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Current Topics: Civil List Pensions—More Appellate Judges—Eastbourne Entertainments — Limitation of Right to Prosecute Crimes—Pensions of Poor Law Officers — The Disciplinary Committee : Appeal against Findings of Fact 525
Implied Reservation of Way 527
Building Societies and Searches in the Land Registry 527
Costs 528
Company Law and Practice 529
A Conveyancer's Diary 530
Landlord and Tenant Notebook .. 531
Land and Estate Topics 532
Books Received 532
To-day and Yesterday 533
Correspondence 534
Obituary 534
Notes of Cases—
The "Arpad" 534
Bedwas Navigation Colliery Co. (1921) Ltd. *v.* Executive Board for South Wales District Coal Mines Scheme, 1930 535
Coulsdon and Purley Urban District Council *v.* Surrey County Council 535
Robinson *v.* Graves 536
Rex *v.* Milk Marketing Board: *Ex parte* North 536
Winmill *v.* Winmill 536
Table of Cases previously reported in current volume—Part II 536
Parliamentary News 537
Societies 538
Rules and Orders 539
Legal Notes and News 539
Court Papers 539
Long Vacation, 1934 540
Stock Exchange Prices of certain Trustee Securities 540

Current Topics.

Civil List Pensions.

EACH year His Majesty, on the advice of the Prime Minister, is empowered to grant pensions amounting in the aggregate to £1,200 to those persons described in the Civil List Act, 1837 (1 & 2 Vict., c. 2), as have "just claims on the Royal beneficence, or who, by their personal services to the Crown, by the performance of duties to the public, or by their useful discoveries in science and attainments in literature and the arts, have merited the gracious consideration of their Sovereign and the gratitude of their country." Last week the new list of recipients of such pensions was issued, adding in each instance the services in respect of which the grant was conferred. Dating as it does from 1837, this pension list contains year by year the names of many distinguished men and women who have been recognised by their Sovereign as worthy of his beneficence. For the most part, as may be imagined, the names are drawn from science, literature and art. Possibly the cynic might say that lawyers, as such, scarcely come within the category of those who have "merited the gracious consideration of their Sovereign and the gratitude of their country"; at all events no practitioner has been included in the lists, but it is gratifying to find that not a few of those who have devoted their time and energy to the study and elucidation of legal history and principles have been considered worthy of recognition. Their work has rarely been adequately recognised by their *confrères* in the law, hence the propriety of such recognition as is possible in the pension list.

More Appellate Judges.

WITH the abolition of the Divisional Court, so far as appeals from county courts are concerned, and the consequent transfer of the work hitherto disposed of by them to the Court of Appeal—a reform very welcome although long overdue—the question of the ability of two divisions of the Court of Appeal to cope adequately with the additional work thus cast upon them has become a matter of supreme importance. True, there is power under the Judicature Act for the Court of Appeal to sit in three divisions, and occasionally a third division has been constituted, usually by requisitioning one or more members of the High Court to undertake this duty, but such third court has sat only intermittently, and consequently has not been able to accomplish very much. Now, however, the necessity of a permanent third division of the Court of Appeal has to be faced, and we welcome the step taken by the legal members of the House of Commons who have handed in a motion urging the appointment of three new Lords Justices without diminishing the present strength of the King's Bench and Chancery Divisions. We trust that the motion will receive the attention it merits. In these days, when the question of economy is still urgent, this may weigh with the Government in considering the propriety of acceding to the motion, but after all it must be borne in mind that the judicial staff must be adequate for the work it is given to perform, and it is generally recognised that the number of our judges is much below that which ensures a prompt disposal of the work. If, however, the economic question is supposed to present a serious obstacle, why, if the number of appeals to the House of Lords is to be cut down almost to the vanishing point, should not the services of the Law Lords be requisitioned to constitute such a third Court of Appeal? Eventually, of course, the appointment of three additional Lords Justices will become imperative if the appellate work is to be disposed of with sufficient speed so that the court may keep abreast of its work.

Eastbourne Entertainments.

THE decision of LUXMOORE, J., in *Attorney-General* v. *Eastbourne Corporation* has been upheld by the Court of Appeal in all points except one (*The Times*, 18th July, 1934). The question turned upon the provisions of Eastbourne Corporation Act, 1926, which by s. 17 authorised the corporation to pay for or contribute towards bands, concerts and other entertainments the sums therein mentioned. The section expressly excludes films (except those relating to health or disease) being shown at any concert or other entertainment provided by the defendants, who are prohibited also from using any building referred to in the section for the performance of stage plays by professional companies or performers or of variety entertainments. It was held that shows given at the Pavilion Cinema in Devonshire Park and in the hall of the Winter Gardens did not contravene the section because they were not provided by the corporation but by entertainment caterers with whom the corporation had entered into agreements. With regard to an entertainment of the nature of a variety show by performers directly engaged by the corporation, LUXMOORE, J., held that the fact that it was given in the Redoubt Bandstand—not, as the learned judge thought, in a building within the meaning of the Act—excluded the application of the section. This decision was reversed. Lord HANWORTH, M.R., said that whether or not a structure was a building was no doubt a question of fact, and in some cases it might be difficult to draw the line. But the bandstand at Redoubt was, in his view, undoubtedly a building, and indeed was one erected by the corporation pursuant to the duty which they owed to the public under s. 17 of the Act of 1926. The decision that the sale of refreshments was not ancillary to the entertainments other than dances was upheld, the learned Master of the Rolls intimating that on a common-sense view of the matter a dance was none the less a dance because some attraction, such as a song or cabaret performance, was given during a small part of the time, or because reasonable refreshment was provided.

Limitation of Right to Prosecute Crimes.

A POINT of great interest to students of comparative jurisprudence has just been settled by the Scottish Court of Criminal Appeal, which by a majority decided that there is no prescription (limitation) of the Crown's right to prosecute crimes in Scotland. This, of course, has long been settled law in England. The appeal was taken in the case of a Leith man, who, on 27th February, 1934, was sentenced to fourteen days' imprisonment on a conviction, in Edinburgh Sheriff Court, of bigamy committed on 17th December, 1909. The ground of the Appeal was that a crime could not be prosecuted after the lapse of twenty years from the date of its commission, the authority founded upon being the case of Callum McGregor (Hume II. 136, Alison II. 96-97), who in 1773 was charged with a murder twenty-six years after the crime was alleged to be committed. It is noteworthy, however, that the judgment in *McGregor's Case* was qualified by the observation : " In respect it does not appear that any sentence of fugitation passed against him " (i.e., he had not been outlawed). In view of the importance of the question the appeal was heard by a " Full Bench " (all the judges of the Court of Session, including the Outer House) as was also the case of McGregor in 1773. The Lord Justice Clerk (Lord AITCHISON), who gave the leading opinion for the majority, said that any such prescription would be of a one-sided nature, but that cases might be figured in which the court *in limine* might sustain a plea of bar far short of twenty years on facts admitted by the Crown that grave prejudice would result if the trial were allowed to proceed. His lordship, however, based his judgment mainly upon historical grounds and pointed out that the rule in the 1773 case was laid down under social and political conditions affecting the purity of prosecutions that had long since passed away. He stated that it would be contrary to the public conscience and community sense that a criminal who had committed a notorious crime twenty years ago should be allowed to walk abroad with impunity. The chief dissenting judgment was by Lord HUNTER, who said that, even if the court thought that the decision of 1773 was wrong, he did not think their Lordships entitled to reverse it, as in his view only Parliament could do so. He referred to the fact that though there was no prescription of the right to prosecute in England, yet many continental countries had adopted the Roman law rule of vicennial prescription, and thought that the decision must be based on a balancing of considerations. It is interesting to note that prior to this decision, while many text-book writers considered that the old case ruled, yet others doubted this, and the balance of opinion heretofore has been that there was no prescription of crime in Scotland.

Pensions of Poor Law Officers.

WE are very glad to read that the appeal of Miss KATE GISSING, cleaner, late of the West Derby Union, from the decision of FARWELL, J., in *Gissing* v. *Corporation of Liverpool*, on which we commented on the 17th March (77 SOL. J. 181), has been successful, and that the Court of Appeal has unanimously decided (*The Times*, 14th July) that there is nothing in the Local Government Act, 1929, to deprive her of the pension she would otherwise have been entitled to receive after many years of regular work. The decision will be welcomed in hundreds of homes, as the error of the guardians concerned, and possibly of others, extended to a great many other cases. The West Derby Guardians had employed Miss GISSING for over thirty years, and under the Poor Law Officers Superannuation Act, 1896, they should have, but they did not until about the last moment of their existence, deduct any sum from her wages as her superannuation contribution. Notwithstanding that mistake, however, it was admitted that as the House of Lords decided in *Salford Guardians* v. *Dewhurst* [1926] A.C. 619, she could not contract out of the Act, and therefore, had a vested right to a pension, if she lived to reach sixty-five, on 1st April, 1930, when on the abolition of boards of guardians, she was transferred to the service of the Liverpool Corporation. For two years afterwards in fact she had 1s. 6d. instead of 6d. a week deducted from her wages, with the idea of overtaking the arrears, and then the corporation suddenly informed her that as her contributions had not been regularly deducted in the past, which was no fault of hers, she would not be entitled to any pension, and offered to return her contributions, an offer which they had no power to make, and which she only accepted under protest. FARWELL, J., dismissed her action on the very narrow ground that she was not a servant by whom the annual contributions required by the Act of 1896 had " been made " within the meaning of s. 124 of the Act of 1929. The reply to this is that it was not her duty to make them, and that her right to a pension could not be jeopardised by the guardians' neglect of their duties. After a fuller and more complete argument than that presented below, the court had no difficulty in deciding that the plaintiff was entitled to her pension rights. Under s. 119 the plaintiff as a servant of the West Derby Union (for " officer " includes servants) was transferred to the defendant corporation on the appointed day, and under s. 121 she was to hold office (her situation) on the same tenure and conditions as and at not less salary than before. The case turned on the general construction of a complicated statute, and is an illustration of the equitable principle that " Equity looks on that as done which ought to have been done."

The Disciplinary Committee : Appeal against Findings of Fact.

THE Solicitors Act, 1932, provides by s. 4 for the appointment by the Master of the Rolls from among members of the Council of The Law Society and such former members of the Council as are practising as solicitors a disciplinary committee of not less than three nor more than seven members. The committee are empowered by s. 5 (2) to make such order as they think fit relative to removing from or striking off the roll a solicitor's name, to suspending him from practice and the payment of costs " and otherwise in relation to the case." These powers are exercisable upon hearing an application by a solicitor to procure the removal of his name from the roll or by another person to strike the name of a solicitor off the roll, or to require a solicitor to answer allegations contained in an affidavit (*ibid.*, sub-s. (1)). By s. 8 of the same Act an appeal against " any order made by the committee under this Part of this Act shall lie to the High Court at the instance either of the applicant or of the solicitor to whom the application relates . . ." In *Re A Solicitor* (reported in *The Times* 25th July), the committee had heard evidence relative to an application on behalf of The Law Society that a solicitor might be required to answer certain allegations contained in an affidavit and set out their findings of fact in a document in which they said that they did not find professional misconduct. The question whether there was a right of appeal in such a case was decided in the light of two propositions set out in *Reg.* v. *Keepers of the Peace and Justices of the County of London*, 15 Q.B.D. 357, by Lord COLERIDGE, as follows : " Our decision must be governed by broad and well-recognised principles of construction. One of those is, that a man acquitted is not to be again proceeded against with respect to the same matter ; another principle is that an appeal is never given except by statute." This passage was quoted by the Lord Chief Justice, who said that if it had been intended that there should be an appeal to the High Court not merely against an order but also against any findings of the committee, nothing would have been easier than to say so. The judgment refers to the clear distinction drawn in the Act between the findings of fact which were to preface the order and the order itself ; and the argument, that a refusal to make an order might itself be an order against which an appeal would lie, was rejected. The preliminary objection by the respondent, that an appeal of this character was not under the statute competent, was upheld, and the appeal was dismissed with costs.

Implied Reservation of Way.

THE recent decision of the Court of Appeal in *Liddiard* v. *Waldron* [1934] 1 K.B. 435, is particularly to be noted as indicating the position of *Thomas* v. *Owen* (1887), 20 Q.B.D. 225, in relation to the main stream of authority concerning easements implied by reservation as laid down in *Wheeldon* v. *Burrows* (1879), 12 Ch. D. 31. In that case it was held that no right of light existed in respect of workshop windows over land sold by the same vendor a month previously, and the proposition, deduced from the cases cited, that "if the grantor intends to reserve any right over the tenement granted, it is his duty to reserve it expressly in the grant," was stated by Thesiger, L.J.

That rule was, the learned Lord Justice intimated, subject to certain exceptions, one of them being the well-known case of ways of necessity. The exceptions were dealt with at length by Greer, L.J., in *Aldridge* v. *Wright* [1929] 2 K.B. 117. Among the five headings under which the exceptions were treated there is the following: "3. If the owner of two adjoining properties, A and B, grants to the tenant of A a tenancy from year to year with a right of way over B, and subsequently leases B, the lease of B is subject to a reservation of the right of way which has *ex hypothesi* been granted to the tenant of A if it is shown that the lessee of B was aware of a long continued exercise of the right by the tenant of A: *Thomas* v. *Owen*." The way there considered was over 400 yards long and 22 yards wide. It was bounded on either side by turf banks with hedges on top, and was a made road formed by cobble stones partly grown over with grass. It had no communication with the servient tenement and was of no use to the servient owner except so far as it might be grazed by his cattle. Both plaintiff and defendant originally held their farms on yearly tenancies. In 1873 the latter obtained a lease which contained no reference to the lane or its user by the plaintiff but the soil of the lane was admittedly included in the measurements. The plaintiff obtained from the same landowner five years later a lease of his farm "and all houses, buildings, and appurtenances thereto belonging." Fry, L.J., pointed out in the course of his judgment that when the earlier lease was granted the lane was "a made and formed road, subsisting visibly for the convenience of the plaintiff's farm and of no use as a road to the defendant; it was and had been openly used by the plaintiff and his predecessors in title for many years and had been repaired by them; the right of using this road constituted an easement of the farm occupied by the plaintiff, and no demise could be made of the soil of the lane free from that right without derogating from the grant to the plaintiff under which his then subsisting tenancy was constituted."

This notion of derogation from grant is the deciding factor not only in the case just considered but also in those in the main stream of authority. The following passage from "Gale on Easements" (11th ed., p. 166), which was quoted by Scrutton, L.J., in *Liddiard* v. *Waldron*, *supra*, and is an essential link in the judgment, is as follows:—

> "It was the opinion of Mr. Gale that, where two tenements had been connected by some apparent sign of servitude, and there was a severance by the grant, whether of the quasi-dominant or of the quasi-servient tenement, an easement was by implication created in favour of the quasi-dominant property. Looking upon the quasi-easement as a quality added to the dominant close by the owner of both tenements, he held that this quality remained impressed upon it for the benefit of either grantor or grantee. And, in his view, the doctrine that both parties are equally bound to respect the disposition of the property derived additional weight from its coincidence with the analogous case of easements commonly called of necessity, which, it is quite clear, are equally implied in favour of both parties. He saw no reason why a purchaser should not exercise caution in ascertaining what easements his projected purchase is liable to in favour of his vendor as well as in favour of other adjoining owners.
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> "This opinion, which was shared by Mr. Willes [the editor of the 3rd ed., 1862] must now be considered to be overruled, the courts considering that the operation of the doctrine in question, on a sale of a quasi-servient tenement, is prevented by the principle that 'a man cannot derogate from his own grant.'"

The facts in *Liddiard* v. *Waldron* were similar to those in *Thomas* v. *Owen* in that the way—a paved path—was plainly visible, and the instrument relating to what was sought to be made the servient tenement was earlier than that relating to the other tenement. A paved path ran behind a terrace of five houses, between them and their gardens. The question arose only between two of them, the path having been barricaded off from the rest. The defendant purchased his property, No. 21, in 1919, the conveyance containing no reference to a right to use the way behind No. 21 for all purposes, claimed by the plaintiff, the owner of No. 22 who was the successor in title of a purchaser of that property in 1920. Prior to these deeds the houses had been in common ownership and let to weekly tenants. The way provided the only means whereby access could be obtained to the coal shed at No. 22 without bringing coals through the house. There was evidence of user, but since the conveyance of 1920 only by permission. A Divisional Court, allowing an appeal from the county court, held that *Thomas* v. *Owen* was the governing authority and upheld the plaintiff's claim. This decision was reversed by the Court of Appeal and the judgment of the county court was restored. With reference to *Thomas* v. *Owen*, Scrutton, L.J., said: "The judgment of the court, given by Fry, L.J., proceeds on the finding that there was a legal right in the first farmer, the tenant who had originally a lease from year to year, to use the lane, and that [the landlord] having granted the farm with that right attached to it, could not derogate from that by granting to another person the whole of the land through which the land passed. That, as I understand it, is the ground upon which, on its own particular facts, *Thomas* v. *Owen* was decided." The only way by which, accepting the two statements read by the learned Lord Justice from "Gale on Easements" (quoted above), the case be brought within *Thomas* v. *Owen*, was to say that there was "a legal right in 1919 which prevented the owner of 1922, No. 22, from granting No. 21 free from that right." "When one inquires what the right is," the judgment continues, "it turns out to be an alleged right of a weekly tenant who is supposed to have had a grant from his landlord of a right of way for all purposes behind No. 21. I see no evidence of such a right. The user from 1908 [when the terrace was built] to 1919 is amply explained by permission and friendly user without any question of a claim of right. There was a right to use the path apparently for certain purposes, but that is not the right now claimed . . ."

Thomas v. *Owen* lays down no new principle. The doctrine that a man cannot derogate from his grant was applied to the facts there considered. References to "the rule in *Thomas* v. *Owen*" are, therefore, to be deprecated.

Building Societies and Searches in the Land Registry.

[CONTRIBUTED.]

SEARCHES at the Land Registry in connection with building estates appear to be made to quite an unnecessary extent.

A builder developing an estate usually arranges with a particular building society to finance the purchasers. Before advancing the money to purchasers the building society refers the title to its solicitors and frequently requires the title to be approved within a few hours. Many such solicitors search at the Land Registry in connection with the sale of each plot

though from the inspection of the builder's land certificate during the general negotiations they know everything which can be ascertained by any further inspection of the register. For on the previous inspection of the land certificate they ascertained—

(1) That the builder is the registered proprietor of the estate with absolute title;

(2) That the plot to be sold is included in the filed plan of the title; and

(3) What charges or other incumbrances there are on the register affecting it.

Further searches achieve no further information on these vital points and add materially to the risk of delay in completing registrations at the registry. For it is apparent that if the Registry is repeatedly interrupted in the work involved in the registration of previous sales (such as amending the plan, examining transfers of part, typing entries on the register and so forth) by being called on to collect all these previous papers and produce them, together with the register and plan, to searchers, serious delay must be caused.

For this reason it is understood the Registry requests solicitors not to make personal searches on building estates, but to apply for official searches so that a large measure of delay may be avoided by the search being made by the Registry at the moment calculated to cause the least delay.

The object of this note, however, is to suggest that neither personal nor official searches are essential in the class of case under consideration. In such cases there is no question of requiring protection against fraud. The solicitors to the building society and to the vendors are well known to each other and, *ex hypothesi*, have confidence in one another. The justification for such searches presumably is the risk that the vendors' solicitors might in error have sold the same plot to two different purchasers. Such an occurrence is in itself improbable. But even if the error were made it would be detected forthwith on the transfer of the plot being presented for registration and, being patently a clerical error, could be amended immediately by the solicitors and the Registry *inter se* without reference to the parties. The building society in the meantime is amply protected by the covenants implied by the use of the words " as beneficial owner " in the transfer.

It will be observed that in making such searches the solicitors to building societies are pressing the matters to a point regarded as quite unnecessary if the land were unregistered. For if the land were unregistered they have no means of checking what plots out of the estate conveyed to the vendor have been sold, yet after satisfying themselves that the whole estate was conveyed to the builder, they complete purchases of plots with equanimity. They can, after inspection of the vendor's land certificate, do so with much greater equanimity if the land is registered, for they have the additional protection that if an error has been made it will be detected forthwith by the Registry and put right.

If it is desired that registrations should proceed quickly and smoothly solicitors are concerned to co-operate with the Registry by placing no unnecessary burden on it such as these searches do.

The case of searches by solicitors to a building society has been taken by way of striking illustration only. The principle it illustrates applies in many other cases, and if followed by solicitors would relieve them of the cost of unnecessary searches in many cases.

Costs.

COUNTY COURT SCALES.

In reviewing the elements of county court costs, one is struck at the outset with the very complexity of the subject, and there remains a feeling that, although much has been done from time to time in the way of simplification, there still remains much that could be achieved. It would be no exaggeration to say that county court costs are one of the greatest bugbears which costs accountants have to endure.

The remuneration in the county court is regulated by the County Court Acts, 1888 to 1919, and the County Court Rules, 1903–1933, made thereunder. The chief sections of the Acts dealing with costs are ss. 113–119 of the principal Act, and ss. 2, 11 and 12 of the Act of 1919. Reference may also be made to s. 20 of the Administration of Justice Act, 1925 which will be dealt with later. The scales of costs are set out in the Appendix to the County Court Rules.

It will be observed that there are two scales of costs in the county court, namely, the lower scale and the higher scale, and that the latter is sub-divided into three separate columns, A, B and C. The lower scale sets out the remuneration to which a solicitor is entitled in respect of actions where the amount involved exceeds £2 but does not exceed £10. The higher scale, column A, provides the scale of remuneration for actions involving sums of £10 but not exceeding £20, column B provides the basis of remuneration where the sum involved exceeds £20 but does not exceed £50, whilst column C provides the scale of remuneration for actions involving more than £50.

There is one significant point about the heading or title to these scales, namely, that it specifically states in each case that the scales shall apply as well between party and party as between solicitor and client. The result is that in a solicitor and client bill nothing can be included which is not provided in the scales. An outstanding example of the effect of this is to be found in the very meagre allowance in the scales for letters.

Although these scales are designed to provide a basis of remuneration which is graduated according to the amount involved, it does not necessarily mean that there are no circumstances in which the solicitor will be permitted to wander outside the limits imposed. For example, Ord. 39, r. 112, provides that in the case of admiralty actions the costs shall be made out according to column B, notwithstanding that the sum involved may be less than £20. Rule 109 of the same Order further provides that in Admiralty actions the costs of all necessary correspondence shall be allowed. Again, s. 119 of the County Courts Act, 1888, provides that the judge may award costs on any higher scale than that which would be otherwise applicable, providing that he certifies in writing that the action involved some novel or difficult point of law, or that the question litigated was of importance to some class or body of persons, or of general or public interest. In passing, it may be noticed that the county court judge has no authority to award costs on a lower scale than that applicable to the amount claimed or recovered, unless he is satisfied that the plaintiff's action was frivolous or oppressive: see *Hughes* v. *Satchell*, 134 L.T. 93.

Subject to these exceptions then, the amount involved regulates the scale of remuneration, that is to say, in the case of the plaintiff the costs which he may recover against the other side will be regulated by the amount recovered, whilst in a case where the plaintiff is unsuccessful the costs which the defendant will recover are regulated by the amount claimed. Not infrequently a counter-claim is raised in an action, and Ord. 53, r. 16, provides the manner in which the appropriate scale is to be determined. The provisions are necessarily somewhat complicated. Thus, where the plaintiff is successful on both claim and counter-claim, then, unless the amount of the counter-claim is larger than the amount of the claim, the latter will regulate the scale, but if the counter-claim is larger than the claim, then the costs incurred subsequent to the delivery of the counter-claim will be determined by the amount of the latter. In the converse case, where the defendant is successful on both claim and counter-claim, then the costs will be determined by reference to the amount of the claim or the counter-claim, whichever is the larger. Notice the difference between the successful plaintiff's costs and the

successful defendant's costs, where the amount of the counter-claim is larger than the amount of the claim. If both claims fail, then the costs will be determined by the amounts claimed by the opposite party, whilst if both claims are successful then the costs will be determined by the amounts recovered. Those items of costs which are common to both claim and counter-claim must be apportioned on some equitable basis, although there is nothing to prevent the maximum scale allowance for a particular item being granted to each party: see *Fox* v. *Central Silkstone* [1912] 2 K.B. 597.

We will continue our examination of the rules relating to county court costs in our next article.

Company Law and Practice.

Notice of Meetings.

In connection with meetings of a company and meetings of classes of the members of a company it is very necessary to see that all formalities attendant upon the summoning of such meetings are duly carried out; and where questions which turn upon resolutions purported to have been passed at class meetings fall to be considered by the court the court has (as was pointed out by Eve, J., in his judgment in *Hughes* v. *Union Cold Storage Co. Limited* (*Times*, 20th July, 1934) a case with which I hope to deal later) to see that all necessary formalities as to notice and the like have been complied with.

Perhaps the most common illustration is in connection with petitions for reduction of capital, where the court has to be satisfied that the special resolution for reduction has been properly passed. In such cases the usual practice is for the order made on the summons for directions to contain a statement to the effect that it appears that the special resolution for reduction has been duly passed; the matter having been gone into in chambers, there is no necessity for the time of the court to be taken up on the hearing of the petition with a consideration of the evidence relating to the summoning of the meetings. But occasionally cases occur where it is doubtful whether or not the special resolution has been passed, and then the matter has to be decided by the judge.

Of course the due summoning of a meeting of a company depends upon the provisions of the articles, or, if these are silent, upon the provisions of s. 115 of the Companies Act, 1929. The clauses of Table A of 1929 dealing with notices of meetings are clauses 103 to 107 inclusive, and are substantially the same as the clauses relating to notices of meetings contained in Table A of 1908. There is, however, one alteration of some little importance, which is worthy of mention here. Clause 110 of Table A of 1908 provided that where a notice is sent by post, service of the notice is to be deemed to be effected by properly addressing, prepaying and posting a letter containing the notice, and, unless the contrary is proved, to have been effected at the time at which the letter would be delivered in the ordinary course of post.

But in 1929 an important change was made, for Art. 103 now provides that service is to be deemed to have been effected in the case of a notice of a meeting at the expiration of twenty-four hours after the letter containing the same is posted, and in any other case at the time at which the letter would be delivered in the ordinary course of post. This change is a very welcome one, and enables one to know with some precision the date when it is necessary to send out a notice in order to have the twenty-one clear days which are required for a special resolution by s. 117 (2). Another minor change between Table A of 1929 and that of 1908 is that in cases where notice has to be given by advertisement notice is now to be deemed to have been duly given at noon on the day on which the advertisement appears, and not, as hitherto, merely on the day on which the advertisement appears.

The provision to which reference is made above as to service by post having to be deemed to be effected at the time at which the letter would be delivered in the ordinary course of post is a troublesome one, and is substantially reproduced from Table A of 1862. However, there are two decisions which have helped to make such a provision more innocuous. The first of these is *Re Union Hill Silver Co.*, reported in 22 L.T. 400. That was a case of a petition for compulsory liquidation, and one of the grounds put forward for the making of an order was that a purported resolution had not been validly passed. It was said that, as certain shareholders were resident in America they had not, by reason of the fact that sufficient time had not been allowed to give them the seven days required under the Act after the date when the notice would have reached them in the ordinary course of post, had proper notice.

But Malins, V.-C., would not have this. "Now, if the petitioner's construction of this section (s. 52 of the Companies Act, 1862) is right, namely, that every shareholder must have notice of a general meeting, no matter in what part of the world he may happen to be, it is a most inconvenient construction; because a company cannot, without serious injury to itself, delay the transaction of important business until every shareholder in every part of the world has had notice of the meeting at which the business is to be discussed. I think that such a construction would be entirely opposed to the spirit and intention of the Act. It seems to me that the Act has reference only to shareholders who can be reached by the ordinary English post, and that, in fact, it was not necessary to serve these absent shareholders. I am therefore of opinion that this objection to winding up the company voluntarily is unfounded." Thus, the learned Vice-Chancellor, at pp. 402, 403.

But this decision, strong as it may be, does not stand alone, for Maugham, J. (as he then was), followed it in the case of *Re Newcastle United Football Co. Ltd.* [1932] W.N. 109. This latter was a case of a petition for the alteration of the objects of a company, and it was objected that the resolution had not been validly passed as a special resolution because two shareholders who were out of the jurisdiction had not received the requisite twenty-one days' notice of the meeting. The articles of the company incorporated Table A of 1862, and therefore included a provision similar to that of Table A of 1908, as to notices being deemed to be served at the time at which they would be delivered in the ordinary course of post. The section of the Act which was applicable was not, of course, s. 52 of the 1862 Act, but s. 117 of the 1929 Act. Maugham, J., held, following the decision in the *Union Hill Silver Co.'s Case, supra*, that the special resolution had been duly passed.

These two decisions, though they are less likely to be of value as the years roll on and companies either apply to themselves Table A of 1929 or adopt more modern articles, are nevertheless of considerable importance. That they are eminently reasonable goes without saying; for, had they been to the contrary effect, one would have got some curious results. Thus you might have a company with a shareholder who would be reached in the ordinary course of post after forty days; means of communication are causing a rapid shrinkage in the size of the earth, but there must still be places as far away in point of time as that. What possible use is a twenty-one day notice to him? He cannot get back in time to attend the meeting—unless he travels by much quicker, and presumably more expensive means of travel than the post—nor can he send a proxy by ordinary post. He might send a proxy by cable—but this is not perhaps an easy question. For all practical purposes it may be said that the notice is useless to such a shareholder, while the necessity for giving it has caused a very substantial delay to the company.

Another interesting decision on the question of notices is that of Tomlin, J., as he then was, in *Dickson* v. *Halesowen Steel Co.* [1928] W.N. 33. In that case it was decided that

what is now Article 104 of Table A of 1929 (the one which provides for the case of members having no registered address within the United Kingdom and no address for service within the United Kingdom and for the giving of notice to such members by advertisement) is not directory, but is only permissive. In other words, it is not obligatory to give such a person a notice by advertisement, but the company can do so if it thinks fit. This is another decision of a convenient kind, but also another decision which tends to be perhaps non-beneficial to the interests of individual shareholders, as opposed to the company. This decision, of course, precludes the necessity of applying the *Newcastle United Football Co.'s Case*, but only where there is an article such as 104 of Table A of 1929 as to members out of the jurisdiction.

At this point we might well turn back to Article 43 of Table A of 1929, which provides that accidental omission to give notice of a meeting to, or the non-receipt of notice of meeting by, any member shall not invalidate the proceedings at any meeting. This, again, is a useful provision, as, in its absence, some slip might cause considerable difficulty and hardship.

Section 115 (1) (*b*) contains a not uninteresting provision. It says that, in so far as the articles of the company do not make other provision in that behalf notices of the meetings of a company are to be served on every member of the company in the manner in which notices are required to be served by Table A, and for that purpose Table A means the table as for the time being in force. A reasonable provision, particularly in view of the change in Table A noted above, but it has this result, that, in the case of a company incorporated, say, before 1929, which expressly excludes Table A, but does not make provision as to service of notices in its own articles, it is governed for this purpose by Table A of 1929. Not that there is any objection to this result, but it is worth noting.

A Conveyancer's Diary.

Evidence admissible to explain Contents of Will.

LAST week I considered the case of *Re Hawksley's Settlement* [1934] 1 Ch. 384, and I left one point of interest raised in it to be dealt with in another "Diary."

It will be remembered that a testatrix by a will made in 1927 disposed of the whole of her property in a manner inconsistent with a will made in 1922, and referred in the will to a "cancelled will." The textatrix had written "cancelled" across the 1922 will and that will was admitted in evidence as showing or tending to show the intention of the testatrix to effect a revocation by the 1927 will.

Of course, the words "cancelled will" which were in the 1927 will, and the earlier will with the word "cancelled" written on it might have been admitted solely on the ground that the words "cancelled will" were ambiguous and the earlier will was admissible to explain the ambiguity.

Earlier, and even expressly revoked, wills have, however, often been admitted in evidence to show the testator's intention, although not in any way referred to in the latest will.

It will be understood that in referring to *Re Hawksley* and other cases which I will mention, I am only for my present purpose dealing with the admissibility of earlier (although revoked) wills as evidence of the testator's intention.

In *Re Feltham* (1855), 1 K. & J., the facts were that a testatrix bequeathed to "Mr. Thomas Turner of Regency-square Brighton the sum of one hundred pounds." It transpired that there was no person answering this description in the will, but there was a Joseph Turner of Regency-square, a surgeon, and The Rev. Thomas Turner, of Daventry, both being nephews of the testatrix. A considerable amount of evidence was admitted (some of which one would have thought should have been excluded), but what seems most to have weighed with the Vice-Chancellor was that by a former will the testatrix described one of her legatees as "Thomas Turner of Regency-square Brighton Surgeon." The learned Vice-Chancellor said: "No one could doubt that in that instrument the testatrix meant by this description the gentleman who really resided at Regency-square, and was a surgeon. That will was made only three or four years before the will now in question. Therefore, looking to this evidence, which is plainly admissible, namely, that in a solemn instrument she had previously described Joseph Turner indubitably by the name of Thomas, and the only question being is the name 'Thomas' or the description incorrect in this will, I have no hesitation in concluding that the same person who three years before was described by her with the same degree of incorrectness was present to her mind when she made the second will."

Another case is *Re Gregory's Settlement and Will* (1865), 34 Beav. 600.

There a testator bequeathed "unto Francis Gregory the youngest son of my brother Francis Gregory" certain moneys to arise from the sale of property. The testator's brother Francis had three sons. The eldest was Arthur Francis, the second Arthur William, and the youngest Arthur Charles.

There was evidence that in a prior will the testator had devised the property to "Charles Gregory the youngest son of my brother Francis Gregory." There was evidence that Arthur Charles was the godson of the testator, or, at least, reputed to be so, but it seems to have been chiefly on the evidence afforded by the former will that the Master of the Rolls held that Arthur Charles was entitled.

Re Waller (1899), 68 L.J. Ch. 526, is another case on similar lines. There also a former will was admitted to show that the testator had made a mistake in the Christian name, although there was a person actually answering to the name used in the will.

A later decision is *Re Ofner* [1909] 1 Ch. 60, C.A.

A testator appointed one Dr. Alfred Ofner one of his executors, and among other legacies gave "to my grand-nephew Robert Ofner" £100 and legacies to other grand-nephews nominatim. It appeared that the testator had no grand-nephew named Robert, but he had one named Richard. It was proposed to put in evidence a memorandum in the testator's handwriting that had been given by him to his solicitors as instructions for his will in which the following words occurred: "to my grand-nephew Dr. Alfred Ofner . . . £200 . . . to his brother Robert £100." The only grand-nephew of the testator who was a brother of Dr. Alfred Ofner was Richard Ofner.

It was held by the Court of Appeal (reversing the decision of Swinfen Eady, J.) that this document was admissible, not as evidence of intention, but to find out who the nephew was whom the testator had wrongfully described by the name "Robert," and if that were done it was clear that the brother of Dr. Alfred Ofner was intended to be the legatee, and that "Robert" was a mistake for "Richard."

The fact that this document also happened to be instructions for the will did not make it *ipso facto* any less admissible, not as instructions, but as a contemporaneous and serious document explanatory of the meaning the testator had wrongly attributed to the name "Robert" when describing the legatee whom he desired to benefit.

In *Re Jeffery; Nussey* v. *Jeffery* [1914] 1 Ch. 375, a testatrix gave her residuary estate between "my brother Walter Jeffery his wife and their daughter." Walter Jeffery had five daughters. A considerable amount of evidence was tendered to show that the testatrix was on terms of great intimacy with one of the daughters named Phœbe, much more so than with the other four daughters. But what appears to have settled the matter in favour of Phœbe was the production of an earlier will in which the testatrix gave her residue to be

equally divided between "my brother Walter Jeffery and his daughter Phœbe." Warrington, J. considered that the conclusion was irresistible that by "their daughter" in the later will the testatrix meant the daughter called Phœbe.

In passing I may mention with regard to that case that the learned judge held that the brother, his wife and their daughter Phœbe took a third share each. As a matter of construction his lordship decided that the husband and wife were not to be treated as one, and so take only one-half between them.

Analogous to these cases are those where there is no one answering to the description in the will.

A curious instance of this is to be found in *Beaumont* v. *Fell* (1723), 2 P. Wms. 141.

In that case a testator bequeathed a legacy to "Catharine Earnley." Evidence showed that there was no person of that name with whom the testator was acquainted. It was also proved that when he gave instructions for his will his voice was hardly intelligible, and that there was a person called "Gertrude Yardley" whom the testator usually called "Gatty," and there was also evidence that the testator had often declared that he would provide for her. Lord Abinger, M.R., admitted all the evidence and held that Gertrude Yardley was the person intended.

It is clear that evidence of the declaration of intention to provide for Gertrude Yardley was wrongly admitted, but the other evidence was admissible, and in view of the other authorities would appear to have been sufficient to support the decision if accepted.

In *Miller* v. *Travers* (1832), 8 Bing. 244, a testator by his will devised "all my freehold and real estates whatsoever situate in the County of Limerick and the City of Limerick." The testator had no estates in the County of Limerick, but had a small estate in the City of Limerick. He also had estates in the County of Clare not mentioned in the will. The devisee sought to call evidence to prove (1) that in the draft will submitted to the testator for approval the devise read "all my freehold estates whatsoever in the Counties of Clare, Limerick and in the City of Limerick"; (2) that the draft was sent to a conveyancer to make certain alterations not connected with this devise, and he made such alterations and that by mistake and without instructions the conveyancer altered the draft, struck out the words "Counties of Clare" and substituted the words "County of"; (3) that the testator had a fair copy of the will sent to him as so altered and executed it without noticing the alteration in the devise.

It was held that such evidence was not admissible.

It will be observed how this case can be distinguished from *Beaumont* v. *Fell* and similar cases. In *Travers* v. *Humphreys* the wording of the will was clear and unambiguous. There was nothing that required explanation. In fact, the evidence offered sought to contradict the will, not to explain it. Whereas in *Beaumont* v. *Fell* it was necessary to ascertain whom the testator meant by "Catharine Earnley," there being no person of that name, so far as could be ascertained, known to the testator.

Similarly, in *Re Jeffery*, "their daughter" might have meant any one of the five daughters of the testatrix's brother, and evidence was admitted to show which of them was intended, not to supply something which was not in the will, but to explain what was there.

Landlord and Tenant Notebook.

Nuisance and Overcrowding under the Rent Acts.

When the last (or what is meant to be the last) of the Rent, etc., Acts came into force, I ventured the opinion that one, at all events, of the new grounds for possession, namely, overcrowding, was not likely to prove of much use (77 Sol. J. 551). Apart from the rule that, as in all other cases, no order can be made unless it is reasonable to make it, the tenant remains protected if he could not reasonably remove the persons whose presence constitutes the overcrowding, and he is not in any circumstances expected to remove his own parents or children. So it is not surprising that in the recent County Court case of *Timmis* v. *Pearson* (1934), 1 L.J. C.C. 115, when possession was claimed of a one-room dwelling 11 by 10 by 9 occupied by the defendant, his wife, and four daughters whose ages ranged from 2½ to 20 years, the plaintiff's adviser did not seek to rely on Sched. I, cl. (*f*), the "overcrowding" clause.

What he did contend was that the tenant had been "guilty of conduct which is a nuisance or annoyance to adjoining occupiers," the ground now provided for in cl. (*b*) of Sched. I. As readers familiar with the working of the Acts will appreciate, this allegation is generally supported by the evidence of neighbours who try to make the judicial flesh creep by deposing that the defendant's little girl sticks her tongue out at them, etc.

But no such evidence was adduced in this case, and the report of the facts suggests that if the nearest neighbours had complained of overcrowding, the answer would have been in the nature of *tu quoque*, or perhaps I should say *vos quoque*; for we are told there was a room above, also a dwelling-house within the Acts, which was occupied by a tenant with a similar—or nearly similar—family. A sound forensic argument may be founded on what is fallacious in logic; the science in question, as Lord Halsbury once forcibly pointed out, does not influence our laws.

The ingenious argument advanced by the plaintiff's advocate was this: By the Public Health Act, 1875, s. 91 (5), any house or part of a house so overcrowded as to be dangerous or injurious to the health of the inmates, whether or not members of the same family, is a "nuisance" liable to be dealt with summarily under that Act. The defendant had permitted or suffered such a nuisance, and so the court could make an order.

The defendant was not represented; his wife appeared on his behalf (a common phenomenon in these cases: the Rent, etc., Acts have shown us that if the married woman's place is no longer the home, the home is the married woman's place). She was not called upon to argue, for the learned judge held that there was no evidence of conduct, either by acts of commission or acts of omission, which was a nuisance. Residing with a wife and family could not be conduct which was a nuisance to adjoining occupiers, though the shocking condition of congestion constituted a Public Health Act nuisance.

The decision is not surprising, but one would have expected rather a different line of approach. Whether it is a question of "conduct which is a nuisance," or of "nuisance," there must be conduct; in the case of overcrowding, either the moving into the premises or the omission to remove from them, or both, would constitute the offence. One would have expected the judgment to be based on the differences of object and phraseology sought and employed by the two statutes. The Public Health Act, 1875, s. 91, deals with the welfare of the community, and does not qualify the word "nuisance"; the Rent, etc., Acts protect, within limits, a particular class of tenant, and provide for forfeiture of the protection if he be guilty of conduct which is a nuisance or annoyance to adjoining occupiers. A nuisance must always adversely affect someone; but the Public Health Act is concerned with the public at large, the Rent, etc., Acts with rights of landlords.

The case prompts the question: Could a landlord in such circumstances get rid of the tenant by invoking the Public Health Act, 1875? Certainly, if the local authority will not serve an abatement notice, it is open to a private individual to complain to a magistrates' court (s. 105). And there is authority—a Scots decision—that it is the tenant and not the landlord who is the person "by whose act, default or sufferance the nuisance arises or continues," as s. 94 puts it. But suppose council or court set about ordering the tenant

to " do such things as may be necessary for the purpose " of abating the nuisance ? In the country an authority must, in London it may, specify the remedy ; if so, it is hardly likely to order the removal of the tenant himself. In the event of disobedience, conviction and imprisonment of the tenant might follow ; but even the recent cases illustrating the rule that protection may be lost by non-residence do not go as far as to suggest that involuntary absence would determine the statutory tenancy. On a second conviction within three months, a court may, on the application of the local authority, order the closing of the house " for such period as the court may think necessary " ; it may be that this would induce the tenant to surrender his tenancy, and that seems the only way in which the object might be achieved on these lines.

There is, of course, another ground for possession known as " convicted of using the premises for illegal purposes," but even if this applied, it would certainly be a case in which any county court judge would consider it unreasonable to make an order for possession.

Land and Estate Topics.

By J. A. MORAN.

All continues well with the market for real estate. Auctions are numerous, and there is no lack of competitors. And when one comes to consider that this is the period of the year when auctioneers make arrangements for their annual holiday just because there is, as a rule, a general inclination on the part of the public to do likewise, there is a sure indication that the pendulum is swinging the right way. It is not that people are selling because they are in need of the money or are nervous of the tendencies of the near future ; the fact is, there is a very general feeling that capital invested in sound lots of bricks and mortar is as safe and as likely to bring a satisfactory return as any other security. While companies and syndicates are busy, and people with small, spare capital, are eager to buy ground rents or small holdings, the auctioneer will stick to his post.

The fifth International Congress of Surveyors, just held in London for the first time, was an event of much importance to the profession. The co-ordination and improvements of methods, the exchange of knowledge derived from professional experience and the interchange of views on technical questions that concern the activities of the surveyor, are objects well worth cultivating ; and there is not a shadow of doubt that the movement in this direction made considerable progress during the four days' proceedings. The work involved in making for the success of the Congress must have been stupendous, and Major Killick, as Secretary-General, is to be congratulated on the result of his labours.

As a rule, a Presidential Address is a pompous affair and loses all hold on the hearers by the vast amount of ground that is covered in the course of an hour or two. Not so at the Annual Provincial gathering of the members of the Auctioneers and Estate Agents Institute. Captain Glasier presented his ideas in a very free and natural style. No doubt his observations were the subject of most anxious consideration, but they were jotted down in the free and easy manner that would take grip of the mind of the youngest student of the Institute.

In his comments on the confiscatory activities of recent successive Governments the President was very outspoken ; and few will question his contention that acquisition without adequate compensation is un-English, and if attempted by anyone outside a Government would lead to considerable trouble for the acquirer. The unfortunate individual who sunk all his savings in a house that promised him safe anchorage in the evening of his life is to be robbed, mainly because a Medical Officer of Health thinks the surroundings are inimical to health. The doctors mean well, but as they are not brought up to the management of property they cannot be blamed if it is owing to their pious exhortation that much money is wasted on pulling down and replacing houses which a surveyor or estate manager would properly recondition if he were the arbitrator.

The annual prize-giving at the College of Estate Management must have been very pleasing to the Principal (Mr. B. W. Adkin) and his very capable staff. The fact that during the twelve months the College had given instructions to over 3,000 students in England, Scotland, Ireland and other parts of the world speaks volumes for the success of this comparatively modern institution. Over 180,000 printed lectures and test papers were sent by post and over one million questions were set to students working by postal tuition, in addition to the questions given in class. The prizes were distributed by The Right Hon. Lord Hanworth, K.B.E., Master of the Rolls.

Mr. Herbert L. Farmer, a member of a well-known firm of City valuers that bear his name, has just had a novel experience. In order to offer advice as to the assets of the Nairn Transport Co., which runs a transport across the 540 miles of desert from Damascus to Baghdad, he travelled about 8,000 miles in 'plane, ship, motor and train. What impressed him most was the foresight displayed by The Rest House at Rutba, on the way, where all modern conveniences are available for the weary traveller.

Surely the time has arrived when serious consideration should be given to the removal of the seven hundred prisoners in Pentonville Prison to other quarters. Many of the districts, close at hand, are badly off for housing accommodation, and speculators would find in the ten freehold acres accommodation for many thousands of persons, with room for open spaces and children's playgrounds.

The signboard, at one time, was an important " lot " when the village inn was put up to auction, but nowadays it is more likely than not to be broken up into firewood.

I know an inn that was once called the " Cock." But when the local bishop became a person of great importance, the proprietor substituted a new signboard, this time with his lordship's portrait. Taking advantage of the situation, his rival, on the other side of the road, took over the discarded sign, and its long popularity among the villagers attracted new customers. The bishop's advocate thought it would only make matters worse if he returned to the " Cock," so he decided on " The Old Cock," which the painter displayed immediately under his lordship's portrait !

Books Received.

Voluntary Liquidation with Appendix of Forms. By H. M. Shurlock, of Lincoln's Inn, Barrister-at-Law. 1934. Demy 8vo. pp. xvi and (with Index) 192. London, Liverpool, Birmingham and Glasgow : The Solicitors' Law Stationery Society, Limited. 12s. 6d. net.

Mews' Digest of English Case Law. Quarterly issue, July, 1934. By G. T. Whitfield Hayes, Barrister-at-Law. London : Sweet & Maxwell, Ltd. ; Stevens & Sons, Ltd.

Forensic Success or Malpractice and Procedure. By S. T. Uff. 1934. Crown 8vo. pp. x and 99. London : Butterworth & Co. (Publishers), Ltd. 3s. 6d. net.

Topham's Company Law. By Alfred E. Topham, LL.M., and A. M. R. Topham, B.A. Ninth Edition. 1934. Crown 8vo. pp. xlvii (with Table of Cases) and (with Index) 482. London : Butterworth & Co. (Publishers), Ltd. 7s. 6d. net.

The Water Gypsies. By A. P. Herbert. Fourteenth Edition. (Fountain Library). 1934. Crown 8vo. pp. 392. London : Methuen & Co., Ltd. 2s. 6d. net.

[All books acknowledged or reviewed can be obtained through The Solicitors' Law Stationery Society, Limited, London, Liverpool and Birmingham.]

To-day and Yesterday.

23 JULY.—Few Chancellors have had the day of their birth celebrated with such enthusiastic eulogy as Lord Macclesfield, born on the 23rd July, 1666.

"Not fair July, tho' plenty clothe his fields,
Tho' golden suns make all his mornings smile,
Can boast of aught that such a triumph yields
As that he gave a Parker to our Isle.

Hail, happy month, secure of lasting fame!
Doubly distinguished through the circling year
In Rome a hero gave thee first thy name,
A patriot's birth makes thee to Britain dear."

It is a pity that the subject of such eloquent appreciation should have been convicted of corruption and fined £30,000.

24 JULY.—On the 24th July, 1835, Francis Beard was indicted at Huntingdon for arson. The prisoner was a toll gate keeper, and a post-lad travelling along the road at about two o'clock one morning had found his house on fire. Beard's explanation was an extraordinary story of being called out by two men who forced him down the road at the pistol point and only let him go after his house was ablaze. However, it was found that his goods were heavily insured and that the valuables he alleged he had lost were buried in his stable. There were several other suspicious circumstances, but juries will be juries and he was acquitted.

25 JULY.—On the 25th July, 1834, Private Gardiner of the 15th Regiment of Foot was tried at Maidstone for the murder of his sergeant. The prisoner, having been found to be drunk on parade, was ordered to the guard room, whereupon he shot the unfortunate sergeant. While under arrest, he declared: "I have rid the world of a tyrant and a rascal and I am ready to die for it." At his trial he pleaded that he was so drunk that he did not know what he said or did, but the jury after an absence of five minutes found him guilty and Mr. Justice Littledale passed sentence of death.

26 JULY.—At the Exeter Assizes on the 26th July, 1847, eleven men, the crew of the ship "James Campbell," were put on trial on a charge of having feloniously and piratically assailed the captain and shut him up in a cabin for ten days. About a hundred and eighty miles from Cape Finisterre, the men had refused to grease the mast because it was Sunday. The captain had then taken away their dinner and put it in his cabin. Exasperated, they put him under lock and key and took the ship back to England. It was proved that he was a very violent man and on this occasion had threatened the crew, swinging a cutlass about. They were acquitted and there was applause in court.

27 JULY.—Lord Norbury, formerly Chief Justice of the Common Pleas in Ireland, died in Dublin on the 27th July, 1831.

28 JULY.—On the 28th July, 1540, Thomas Cromwell was clumsily beheaded on Tower Hill in a manner more than usually revolting. His gross heavy features still live in a portrait in the Hall of Gray's Inn, to which he was admitted as a member in 1524. His life was given to politics, but for two years, from 1534 to 1536, he filled the office of Master of the Rolls, resigning it to take up that of Keeper of the Privy Seal.

29 JULY.—In July, 1863, Sir Cresswell Cresswell was riding down Constitution Hill when he was knocked down by Lord Aveland's horses. His kneecap was broken and he was carried first to St. George's Hospital and then to his house in Prince's Gate. He recovered from the fracture, but the shock proved too much for his constitution and he died of heart disease on the 29th July. He was the first judge of the Probate and Divorce Court.

THE WEEK'S PERSONALITY.

For the burial of Lord Norbury the grave was so deep that the ropes by which they were letting down the coffin did not reach the bottom and it remained hanging halfway down while more cord was sent for. "Ay," cried one of the spectators, "give him rope enough—don't stint him. He was the boy that never grudged rope to a poor body." To the character of a merciless hanging judge he had united an undignified frivolity and facetiousness which often reached the point of callous brutality. He knew little law, was grossly partial and prostituted his genuine gift of wit by turning his court into a place of uproarious entertainment. Nevertheless, for nearly twenty-seven years he presided in the Irish Common Pleas, advancing years adding somnolence to the scandal of his conduct. All attempts to procure his resignation failed, until at last he was bought off the Bench by his advancement in the peerage as Viscount Glandine and Earl of Norbury. He joked to his last hour, for on his deathbed, hearing that his neighbour Lord Erne was also dying, he called his valet and said: "James, run round to Lord Erne and tell him, with my compliments, that it will be a dead-heat between us." When he expired he was eighty-five years old, preserving to the end that jovial disposition which "set dignity at defiance and put gravity to flight."

ARTISTIC LITIGATION.

A recent action before Mr. Justice Acton in which an artist claimed remuneration for painting a portrait and the defendant denied having ordered it, attracted some attention and added another incident to the history of artistic litigation. *Belt* v. *Lawes* and The Whistler law-suit are classics, but an amusing enough case centred round John Singleton Copley, the artist father of Lord Chancellor Lyndhurst. A rich Bristol merchant brought him his wife and seven children for a family portrait. "It wants but one thing," he said, "and that is the portrait of my first wife, for this is my second." The painter pointed out that she was dead and suggested doubtfully that she might be put in as an angel, but the husband insisted that she should be put in as a woman. When he came again, he had a fresh lady on his arm. His second wife had died in the interval and he had now brought his third partner to be included in the family group. Her likeness also was placed beside that of her predecessors, but, subsequently, she came back alone representing that she had her husband's authority to order them to be painted out. The result was that when the picture was sent home the client refused to accept it on the ground that it was not as he ordered it. Copley sued for his fee, and the judge left it to the jury to say whether, in the circumstances, the wife had not the authority she had claimed. The verdict was for the artist.

WILLS OF THE LAWYERS.

The will of the late Sir Josiah Symon, formerly Attorney-General for South Australia, has joined the long list of testamentary documents which successful lawyers have failed to draw correctly for themselves. The court has ordered certain passages to be deleted as containing scandalous and defamatory matter. Of lawyers who have left unsatisfactory wills, none has been so deliberate as Serjeant Maynard, the veteran advocate of William III's time, who is said to have drafted his purposely so as to give rise to litigation and settle certain doubtful points which had interested him in his lifetime. Viscount Llandaff, "the Not at Home Secretary," who before politics claimed him was one of the leaders of the Bar as Henry Matthews, K.C., left over £100,000, but he made a blunder in his will, failing to have an alteration attested by witnesses. The state of mind of Sir Joseph Jekyll, Master of the Rolls, gave his relatives ground for setting aside his will. He had left a large fortune to pay off the National Debt, as useless an attempt, observed Lord Mansfield, as if he had tried "to stop the middle arch of Blackfriars Bridge with his full bottomed wig."

Correspondence.

[*The views expressed by our correspondents are not necessarily those of* THE SOLICITORS' JOURNAL.]

Taxation of Costs.

Sir,—We would like to bring to your notice a rather interesting point on the taxation of costs, in which we were concerned on behalf of a client, in a proceeding in the Salford Hundred Court of Record.

We propose simply to narrate the facts, which are as follows :

We were the plaintiff's solicitors in an action in the Salford Hundred Court of Record, arising out of an accident between two vehicles, and after appearance was entered and an order for directions made, a statement of claim, settled by counsel, was put forward claiming £34 7s. 6d. damages.

A defence was delivered, settled by counsel, denying liability, but bringing into court £25. The plaintiff on consideration, accepted the £25, and an order was made for payment out of £25 in satisfaction of the plaintiff's claim.

In our bill of costs under the item " Instructions for Statement of Claim," we charged the sum of £5 5s. As a good deal of work was done, including attendances on plaintiff and witnesses, corresponding with the defendant's insurance company, obtaining and perusing police report, attending at *locus-in-quo*, obtaining engineers' estimate of the repairs to vehicles, it was thought that £5 5s. was a reasonable sum.

On the taxation, the registrar allowed 13s. 4d. for this item, having previously taxed off two separate items, as he stated that he would take them into consideration in determining the amount to be allowed under Instructions for Statement of Claim.

The bill was taxed at £10 12s. 2d. inclusive.

As practically the only remunerative item was the item for Instructions for Statement of Claim, objections were delivered in respect of this item. The deputy-registrar refused to alter his decision, and application to review was made to the deputy-judge.

When we attended on this application, the defendants were represented by counsel, and the deputy-judge stated, after hearing both sides, that he was not satisfied that at the time of the taxation we, as the plaintiff's solicitors, were able to satisfy the registrar that there were special circumstances which justified a further increase of the discretionary item of Instructions for Statement of Claim, and even though he considered that we were entitled to more, he could not interfere with the registrar's decision.

He accordingly dismissed the application with costs.

The defendants subsequently carried in a bill, and although the application to review was only in respect of one solitary item, the bill was taxed at £9 7s. 4d., nearly as much as the plaintiff's bill in respect of the whole of the work done in the action.

On the taxation, the registrar stated that this was not an interlocutory application, and he preferred to regard it as an action, and that was why he allowed £3 5s. 6d. for counsel's fee.

We pointed out that we could not agree, and that if it was an interlocutory application, £1 3s. 6d. was the maximum fee in the scale.

Objections were delivered in respect of the item for counsel's fee, and the deputy-registrar again refused to alter his decision, stating that even though it was an interlocutory application, he had a discretion, and £3 5s. 6d. was allowed.

We asked to see the brief, which was alleged to contain 30 folios, as we could not imagine what it could contain, in view of the simple nature of the matter, but the Registrar stated that we were not entitled to see the brief.

We respectfully disagree with the registrar's contentions, but we are simply bringing these facts to your notice as of importance to practitioners generally, particularly in view of the discussion in your columns from time to time taking place with regard to the remuneration of solicitors.

Manchester, 2. ALFRED BIEBER & BIEBER.
29th June.

[The subject of county court costs is dealt with in an article at p. 528 of this issue.—ED., *Sol. J.*]

Obituary.

MR. G. L. ADDISON-SMITH, K.C.

Mr. George Lind Addison-Smith, K.C., died on Saturday, 21st July, in Edinburgh, at the age of sixty-three. He was educated at George Watson's College and at Edinburgh High School, going from there to the University of Edinburgh, where he obtained honours in logic, psychology, moral philosophy, rhetoric and English literature. He was called to the Scottish Bar in 1894, and to the English Bar by the Middle Temple in 1898. In 1930 he became a member of Gray's Inn.

MR. P. M. BURTON.

Mr. Percy Merceron Burton, M.A., Barrister-at-Law, of King's Bench Walk, Temple, died on Monday, 23rd July, at the age of sixty-one. He was educated at Clare College, Cambridge, and was called to the Bar by the Inner Temple in 1898.

MR. J. FREEMAN.

Mr. James Freeman, solicitor, of Morecambe, died recently at the age of seventy-eight. Mr. Freeman, who was admitted a solicitor in 1880, practised at Bradford for many years, and was a member of Bradford City Council for twenty-three years. He retired from civic life in 1916, and moved to Morecambe.

Notes of Cases.

Court of Appeal.

The "Arpad."

Scrutton, Greer and Maugham, L.JJ.

1st, 5th, 6th and 29th June, 1934.

SHIPPING—CARGO OF WHEAT—PURCHASE AND PREPAYMENT—RE-SALE—NON-DELIVERY AND CONVERSION—NO MARKET PRICE.

Appeal from a decision of Bateson, J.

The plaintiffs were the consignees of a thousand tons of Roumanian wheat which they had bought in August, 1930, for delivery at Hull, at 36s. a quarter, September/October shipment per the " Arpad " " as per sample 727,"—a very fine sample. They paid for it before delivery and re-sold it at a profit, at 36s. 6d. a quarter. Forty-seven tons were not, however, duly shipped and were consequently not delivered when the " Arpad " reached Hull in January, 1931, by which time the price of wheat had fallen substantially. The plaintiffs claimed damages for conversion and non-delivery. Bateson, J., held that there was no market price for wheat " as per sample 727," that the value of the wheat to the plaintiffs was the measure of damages, and that this was to be ascertained by the price they had paid. In a case of prepayment, the measure of damages was not the difference between the contract price and the market price when delivery was due.

GREER, L.J., allowing the appeal, said that there was evidence that at the time of failure to deliver there was available no Roumanian wheat equal to the sample, and the

plaintiffs had lost 36s. a quarter. However, it was unreasonable that a shipowner, contracting with a shipper on the terms of a bill of lading, should become liable in damages for the loss suffered by an unknown assignee of the bill of lading through being unable to comply with a contract entered into before shipment. *Rodocanachi* v. *Milburn*, 18 Q.B.D. 67, decided that the value of the goods at the date of the breach had to be ascertained without taking into account an intermediate contract. As to the claim for conversion, the measure of damages was the same in tort as in contract, save that in tort the court had only to consider the first rule in *Hadley* v. *Baxendale*, 9 Ex. 341, and in contract, under the second rule, the damages might be larger. On the evidence before the registrar, the value of the wheat at the material date was 23s. 6d. a quarter. His lordship added, however, that this measure of damages was not applicable in an action for personal injuries.

SCRUTTON, L.J., dissented and MAUGHAM, L.J., agreed.

COUNSEL: *Miller*, K.C., *Chappell*, K.C., and *Carpmael*; *Gonne Pilcher and Porges*.

SOLICITORS: *Thomas Cooper & Co.*; *Pritchard, Sons, Partington & Holland*, agents for *Andrew M. Jackson & Co.*, Hull.

[Reported by FRANCIS H. COWPER, Esq., Barrister-at-Law.]

Bedwas Navigation Colliery Co. (1921) Ltd. *v.* **Executive Board for South Wales District Coal Mines Scheme, 1930.**

Scrutton, Greer and Maugham, L.JJ.

28th and 29th June, 1934.

MINES—COAL—OUTPUT—REGULATION—EXISTING CONTRACT—QUOTA EXCEEDED—"REASONABLY NECESSARY FOR THE PERFORMANCE OF THOSE CONTRACTS"—ARBITRATION—AWARD NOT STATED AS SPECIAL CASE—COAL MINES ACT, 1930 (20 & 21 Geo. 5, c. 34), s. 4 (1) and (2) (*a*) (*b*), s. 16 (2).

Appeal from the King's Bench Division.

In July, 1928, the company contracted to supply the British Benzol and Coal Distillation Ltd., with certain specified coal. The contract provided that the company "shall not be held liable for any failure to deliver any coal sold as aforesaid if . . . restrictions of output, Government control or any other hindrance shall intervene or interfere with the production or delivery of any coal sold as aforesaid." Subsequently, the Coal Mines Act, 1930, was passed, and the South Wales District (Coal Mines) Scheme, 1930, came into force, under which the company was permitted an output of 92,787 tons for the quarter ending the 31st December, 1932. They produced 11,608 tons in excess, and the Board confirmed the imposition of a penalty of £1,451, at the rate of 2s. 6d. a ton. The arbitrator held that the company were liable on the ground that the Act and the Scheme amounted to "restrictions of output" within the contract, which, therefore, released them from liability and put them outside the protection of s. 4 (2) of the Act. The award was in a form which looked like a special case, but did not conclude with the words: "The question for the opinion of the court is . . ." and it was not, therefore, a special case. The Divisional Court upheld the award.

SCRUTTON, L.J., dismissing the appeal, said that s. 16 (2) provided that when an award was stated in the form of a special case the decision of the High Court should be final. Here the arbitrator found an elaborate series of facts and stated the contentions and his decision in great detail, so that one of the parties alleging error on the face of the award could go up to the House of Lords. This was not the intention of the Act, and arbitrators should not follow this precedent. Section 4 (1) provided that a contract should not be void or unenforceable as between the parties because it could not be performed without contravening the provisions of a scheme, "unless the terms of the contract otherwise provide." If the terms of the contract made it unenforceable in any case, it remained unenforceable. The quota was a "restriction of output" within the terms of the contract preventing the company from producing the coal, and they were, therefore, not liable to produce it. Therefore, the excess was not "solely occasioned by the performance" of the contract or "reasonably necessary for its performance," within s. 4 (2) (*a*) and (*b*). "Reasonable necessity" was a question of fact, and such an award as this could not be set aside on a question of fact. There was no error of law on the face of it.

GREER and MAUGHAM, L.JJ., agreed.

COUNSEL: *Macaskie*, K.C., and *Rabagliati*; *Sir Stafford Cripps*, K.C., and *C. T. G. R. Miller*.

SOLICITORS: *B. A. Woolf & Co.*; *Savage Cooper & Wright*, agents for *W. H. F. Barklam*, of Cardiff.

[Reported by FRANCIS H. COWPER, Esq., Barrister-at-Law

High Court—Chancery Division.

Coulsdon and Purley Urban District Council *v.* **Surrey County Council.**

Clauson, J. 29th June, 1934.

LOCAL GOVERNMENT—COUNTY COUNCIL—VALUATION COMMITTEE—PRINCIPLES AND PRACTICE OF VALUATION—POWER TO APPOINT PANEL OF VALUERS FOR SPECIAL PROPERTIES—RATING AND VALUATION ACT, 1925, ss. 18, 38.

The plaintiffs in this action were the rating authority for their district and claimed a declaration that the defendant council had no power under the Act to appoint or maintain a county panel of valuers to value special properties or to charge fees to such valuers against the county rate. The county valuation committee for Surrey being a committee of the defendants had to consider the course imposed upon them by s. 18 of the Act in regard to the valuation of special properties such as water undertakings, racecourses and so forth. The defendants, by their committee, proposed to the plaintiffs that the valuation of special properties for the second new valuation lists should be carried out by a county panel of professional valuers to be established by the county valuation committee, the costs to be met as a county charge. At a subsequent conference it was resolved to carry those proposals into effect. What in effect the defendants then did was to appoint valuers to value the properties in question on behalf of the county valuation committee with a view to advising such rating authorities as chose to take advantage of their advice.

CLAUSON, J., said that what the defendants, through their county valuation committee, had in truth done was to appoint valuers to value special properties and to offer to place the valuations thus obtained at the service of the rating authorities, and that in what they did the defendants had in no sense usurped the functions of the plaintiffs or of any other rating authority. As to the claim that the defendants had no power to charge against the county rate fees or other payments to such valuers as the defendants in fact appointed there was no evidence that the effect of the appointment by the county valuation committee had been to increase the expense of the valuations. There was no foundation for suggesting that defendants had gone beyond the proper scope of their functions in obtaining for themselves valuations. It was the defendants' duty, under s. 18, to promote uniformity in the practice of valuation as well as to assist rating authorities and assessment committees in the performance of their functions and to take such steps as they should think fit for those purposes. Even if there had been evidence that the defendants, through their county valuation committee, had acted *ultra vires*, still no authority had been produced nor any principle formulated which would justify the court in giving relief in respect of such action in the absence of the Attorney-General. Accordingly, the action would be dismissed.

COUNSEL: *Gavin Simonds*, K.C., and *Wilfrid Hunt*; *J. E. Singleton*, K.C., and *Trustram Eve*.

SOLICITORS: *Lees & Co.*, for *Ernest C. King* (clerk to plaintiffs); *Wyatt & Co.*, for *Dudley Aukland* (clerk to defendants).

[Reported by S. E. WILLIAMS, Esq., Barrister-at-Law.]

High Court—King's Bench Division.

Robinson *v.* Graves.

Acton, J. 10th July, 1934.

CONTRACT—PAINTING OF PORTRAIT—MORE THAN £10—NO NOTE OR MEMORANDUM IN WRITING—CONTRACT UNENFORCEABLE—SALE OF GOODS ACT, 1893 (56 & 57 Vict., c. 71), s. 4.

In this action William Howard Robinson, a portrait painter, claimed from Frederick Beresford Johnston Graves, a film producer, professionally known as Rex Graves, 250 guineas alleged to be the agreed price of a portrait of Miss Patricia Finnegan, the defendant's *fiancee*, whom he has since married. The defendant denied the contract, and relied on s. 4 of the Sale of Goods Act, 1893.

ACTON, J., said that he believed the evidence of the plaintiff regarding the facts of the case. The trouble was that that did not end the matter. The Legislature in its wisdom had passed s. 4 of the Sale of Goods Act, 1893, confirming a principle already established by the Statute of Frauds. For a very long time there was much doubt and discussion whether a contract such as this fell within the section. But it had been long ago established by *Lee* v. *Griffin*, 30 L.J., Q.B. 252, that such a contract was within the section. The agreement in the present case, which was strongly in dispute, was for the sale of goods more than £10 in value, of which there was no note or memorandum in writing, and therefore it was not enforceable by action. In those circumstances his duty was to give judgment for the defendant, with costs.

COUNSEL: *John Fennell* for the plaintiff; *Sylvester Gates* and *Norman Stogdon* for the defendant.

SOLICITORS: *L. T. Halliday*; *Whitelock & Storr*.

[Reported by CHARLES CLAYTON, Esq., Barrister-at-Law.]

Rex *v.* Milk Marketing Board: *Ex parte* North.

Lord Hewart, C.J., Avory and MacKinnon, JJ. 20th July, 1934.

MILK MARKETING BOARD—ALLEGED SALE OF MILK BELOW FIXED PRICE—FINE OF £50—JURISDICTION OF TRIBUNAL EXCEEDED—RULE *nisi* FOR *certiorari* MADE ABSOLUTE.

The court made absolute this rule *nisi* for *certiorari*, calling on the Milk Marketing Board to show cause why a resolution of a tribunal established by the Board imposing on the 3rd November, 1933, a fine of £50 on W. J. North, a milk retailer, for selling at a price below the prevailing price in his district should not be removed into the High Court in order to be quashed. Under the Agricultural Marketing Act, 1931, a scheme is provided under which distributing organisations for specific areas are to ascertain the local prevailing price, and a price is to be fixed at which milk may be sold within the area. It was alleged that the price for the Aldershot area had been fixed at 6d. a quart for October, 1933, and that Mr. North had undercut by selling at 5d. a quart. Mr. North filed an affidavit in which he alleged that he had been unfairly treated, and he obtained the rule *nisi* for *certiorari* on a number of grounds.

Lord HEWART, C.J., said that it was said that the Milk Marketing Board had acted in excess of its jurisdiction in imposing the penalty of £50. The first question which arose was whether that body was or was not one to which a writ of *certiorari* would go. After careful consideration he had come to the conclusion that *certiorari* would lie for the reasons given in *Rex* v. *Electricity Commissioners* [1924] 1 K.B. 171. Mr. North was invited or required to attend before the Board on the 3rd November. He was a little late in arriving, and they now knew that before he arrived there was circulated among the Board a document called a "statement of facts," containing the case against Mr. North for underselling. Not only were those statements not placed before Mr. North, but he was not even informed that such statements had been made. The case came within *Board of Education* v. *Rice* [1911] A.C. 179. It was clear that Mr. North was not given a fair opportunity of correcting or contradicting relevant statements which behind his back had been made to his detriment, and in the result the resolution was outside their jurisdiction. Therefore, reluctant as he was to interfere with an administrative body such as the Milk Marketing Board, he thought that the rule must be made absolute, with costs against the Board.

AVORY and MACKINNON, JJ., gave judgment to the same effect.

COUNSEL: *Croom-Johnson*, K.C., and *Graham Dixon* showed cause on behalf of the Milk Marketing Board; *Wilfrid Lewis*, on behalf of the Minister of Agriculture and Fisheries; *Trustram Eve* supported the rule.

SOLICITORS: *Ellis and Fairbairn*; *The Solicitor to the Ministry of Agriculture and Fisheries*; *Tucker, Hussey & Co.*, for *Kempson & Wright*, Farnham.

[Reported by CHARLES CLAYTON, Esq., Barrister-at-Law.]

Probate, Divorce and Admiralty Division.

Winmill *v.* Winmill.

Sir Boyd Merriman, P. 11th June, 1934.

PETITION FOR DISSOLUTION OF MARRIAGE—MARRIAGE IN BRITISH NORTH BORNEO ACCORDING TO RITES OF CHURCH OF ENGLAND—EXPERT EVIDENCE UNNECESSARY.

This was a wife's petition for dissolution of marriage on the ground of her husband's adultery. The suit was undefended, and the facts of the case were of no importance. The parties were married at the parish church of Jesselton, British North Borneo, by the rector according to the rites of the Church of England. Counsel for the petitioner submitted that as the marriage was celebrated according to the rites of the Church of England in the parish church of Jesselton, British North Borneo, it was not necessary to call an expert witness to prove the marriage. British North Borneo was a Crown colony. He cited *Perry* v. *Perry* [1920] P. 361, and *de Mowbray* v. *de Mowbray*, 37 T.L.R. 830 (1921).

The PRESIDENT agreed that the production of the certificate of the marriage was sufficient; and it was unnecessary to call an expert witness and pronounced a decree *nisi*, with costs.

COUNSEL: *C. G. Talbot-Ponsonby*.

SOLICITORS: *Brash, Wheeler, Chambers, Davies & Co.*, for *Glanvilles*, Portsmouth.

[Reported by J. F. COMPTON-MILLER Esq., Barrister-at-Law.]

TABLE OF CASES previously reported in current volume.—Part II.

	PAGE
Attorney-General for Ontario *v.* Perry	488
Belbridge Property Trust, Limited *v.* Milton	489
Chocolate Express Omnibus Co. Ltd. *v.* London Passenger Transport Board	518
Conway, Theo. Ltd. *v.* Kenwood	503
Cunliffe *v.* Attorney-General	520
Denhert *v.* Denhert and Gamil	520
Dinshaw *v.* Commissioner of Income Tax, Bombay Presidency	518
Forshaw, *In re*: Wallace *v.* Middlesex Hospital	519
Garland, *In re*: Eve *v.* Garland	519
Herbert, *ex parte*	488
Marshall *v.* Blackpool Corporation	488
M'Gillivray *v.* Hope and Another	503
Shaw and Others *v.* London County Council and Another	519
Versicherungs und Transport Aktiengesellschaft Daugava *v.* Henderson	503

GENERAL CONDITIONS OF SALE.

We understand that a new edition of the General Conditions of Sale, issued by The Law Society in 1925, will be available for the use of members of the Profession on and after 1st August next. The title has been altered to "The Law Society's Conditions of Sale, 1934 edition."

Parliamentary News.

Progress of Bills.

House of Lords.

Administration of Justice (Appeals) Bill.
Royal Assent. [25th July.
Architects (Registration) Bill.
Royal Assent. [25th July.
British Sugar (Subsidy) Bill.
Royal Assent. [25th July.
Cardiff Corporation Bill.
Read Third Time. [23rd July.
Cattle Industry (Emergency Provisions) Bill.
Read First Time. [25th July.
Chailey Rural District Council Bill.
Royal Assent. [25th July.
Clyde Valley Electrical Power Order Confirmation Bill.
Read Third Time. [24th July.
Colonial Stock Bill.
Reported, without Amendment. [26th July.
County Courts Bill.
Read Third Time. [24th July.
Dindings Agreement (Approval) Bill.
Reported, without Amendment. [24th July.
Game Bill.
Read Second Time. [24th July.
Glasgow Corporation Order Confirmation Bill.
Royal Assent. [25th July.
Law Reform (Miscellaneous Provisions) Bill.
Royal Assent. [25th July.
London Midland and Scottish Railway Order Confirmation Bill.
Royal Assent. [24th July.
London Passenger Transport Bill.
Read Third Time. [24th July.
Lowestoft Corporation Bill.
Royal Assent. [25th July.
Manchester Corporation (General Powers) Bill.
Read Third Time. [24th July.
Milk Bill.
Read Third Time. [25th July.
Ministry of Health Provisional Order Confirmation (Herriard and District Water) Bill.
Royal Assent. [25th July.
Ministry of Health Provisional Order Confirmation (Leek) Bill.
Royal Assent. [25th July.
Ministry of Health Provisional Order Confirmation (Sheppey Water) Bill.
Royal Assent. [25th July.
Ministry of Health Provisional Order Confirmation (South Middlesex and Richmond Joint Hospital District) Bill.
Royal Assent. [25th July.
Ministry of Health Provisional Order Confirmation (Stoke-on-Trent) Bill.
Royal Assent. [25th July.
Ministry of Health Provisional Order Confirmation (Wey Valley Water) Bill.
Royal Assent. [25th July.
Ministry of Health Provisional Order Confirmation (Weymouth and Portland Joint Hospital District) Bill.
Royal Assent. [25th July.
Ministry of Health Provisional Order Confirmation (Wycombe and District Joint Hospital District) Bill.
Royal Assent. [25th July.
National Maritime Museum Bill.
Royal Assent. [25th July.
North Wales Electric Power Bill.
Royal Assent. [25th July.
Pier and Harbour Provisional Orders (Clacton-on-Sea and Saint Mawes) Bill.
Reported, without Amendment. [24th July.
Poor Law (Scotland) Bill.
Read Third Time. [25th July.
Public Works Facilities Scheme (Kingston-upon-Hull Corporation Sutton Road Bridge) Bill.
Reported. [24th July.
Public Works Facilities Scheme (Penicuik Water) Bill.
Reported. [24th July.
Public Works Loans Bill.
Reported without Amendment. [24th July.
Road Traffic Bill.
Read Third Time. [25th July.
Rotherham Corporation (Trolley Vehicles) Provisional Order Confirmation Bill.
Royal Assent. [25th July.
Shops Bill.
Royal Assent. [25th July.
Sunderland and South Shields Water Bill.
Royal Assent. [25th July.
Torquay Corporation Bill.
Royal Assent. [25th July.
Trustee Savings Banks (Special Investments) Bill.
Royal Assent. [25th July.
Tyne Improvement Bill.
Royal Assent. [25th July.
Tynemouth Corporation Bill.
Royal Assent. [25th July.
Wantage Urban District Council Bill.
Royal Assent. [25th July.
Weston-super-Mare Urban District Council Bill.
Read Third Time. [23rd July.

House of Commons.

Alloa and District Gas Order Confirmation Bill.
Read First Time. [25th July.
Cattle Industry (Emergency Provisions) Bill.
Read Third Time. [24th July.
Christmas (Facilities) Bill.
Read First Time. [24th July.
Cinematograph Films (Animals) Bill.
Withdrawn. [23rd July.
Clyde Valley Electrical Power Order Confirmation Bill.
Read Second Time. [25th July.
Coal Mines (Protection of Animals) Bill.
Withdrawn. [23rd July.
Domiciliary Nursing Services Bill.
Read Second Time. [20th July.
Falkirk Electricity Order Confirmation Bill.
Read First Time. [25th July.
Middlesex County Council Bill.
Reported, with Amendments. [24th July.
Newcastle-upon-Tyne Corporation Bill.
Read Third Time. [25th July.
North Lindsey Water Bill.
Read Third Time. [25th July.
Public Works Facilities Scheme (Kingston-upon-Hull Corporation Sutton Road Bridge) Bill.
Read Third Time. [23rd July.
Public Works Facilities Scheme (Kingston-upon-Hull Corporation, Victoria Pier) Bill.
Read First Time. [25th July.
Public Works Facilities Scheme (Penicuik Water) Bill.
Read Third Time. [24th July.
Ramsgate Corporation Bill.
Reported, with Amendments. [19th July.
Sheffield Gas Bill.
Read Third Time. [25th July.
Solicitors Bill.
Read Third Time. [19th July.
Stirlingshire and Falkirk Order Confirmation Bill.
Read First Time. [25th July.
Whaling Industry (Regulation) Bill.
Read Third Time. [24th July.

Questions to Ministers.

ROMFORD COUNTY COURT.

Mr. HUTCHISON asked the Attorney-General for what reasons the Romford County Court is being closed down in September and being transferred to Ilford, as Ilford is a subsidiary court to Romford.

The ATTORNEY-GENERAL (Sir Thomas Inskip): The present court buildings at Romford and at Ilford are inconvenient both for the court sittings and for the offices of the staff. Concentration in a new central building will result in improved efficiency and in economy.

Mr. HUTCHISON: Is my right hon. and learned Friend aware of the rapid growth of the Romford district; and if new accommodation is being erected, will it be possible to place the new county court in Romford owing to the increase in fares and the distance in which litigants will be involved if it is placed in Ilford?

The ATTORNEY-GENERAL: If those questions are not taken into consideration, I will take care that they are. [23rd July.

Mr. B. L. Reynolds, Clerk to Wycombe Rural District Council, who is resigning, has held his post for thirty-six years. Mr. Reynolds was admitted a solicitor in 1889.

Societies.

The Law Society.

The following have been elected to fill thirteen vacancies on the Council of The Law Society: Mr. Hubert Arthur Dowson (Nottingham), Mr. W. E. Mackenzie Mainprice (Manchester), Sir Reginald Ward Edward Lane Poole, Sir John Roger Burrow Gregory, Mr. B. Harpur Drake, Mr. Geoffrey A. Collins, Mr. Dingwall L. Bateson, Mr. H. T. A. Dashwood, Dr. Edward Leslie Burgin, M.P., Mr. Walter Charles Norton, Mr. Harold Marson Farrer, Mr. Charles Gibbons May and Mr. George Stanley Pott. All except Dr. Burgin, Mr. Norton and Mr. Farrer were seeking re-election.

PRELIMINARY EXAMINATION.

The following candidates (whose names are in alphabetical order) were successful at the Preliminary Examination held on the 4th and 5th July, 1934:—

Thomas Bernard Atkinson, Arthur Philip Badger, David Evelyn Barnes, Harry Antony Betteridge, William Lawrence Bevir, Carlos Leonard Blackwell, Douglas Walter Blackwell, George Henry Boatte, Jack Gerald Bosman, Harold David Parting Bott, Kenneth Broughton, Guy James Brunnarius, Patrick Aylmer Burlton, Gerard Robert Byrne, Bertram Frederick Chapman, Peter Ollrid Chippindale, William Francis John Church, Philip Edwin Vernon Clark, Herbert Chadwick Coucill, Nigel Thomas Coveney, John Hermon Crook, Robert Desmond Crosthwaite, Robert Arthur Hickman Davies, Hugh Sutton Worthington Edridge, Randolph Phillip Nalborough Ferris, Harold Vernon Cecil Funnell, Jack Thomson Carmichael Gann, William Stephen Gilbart, Richard John Haines, Guerdon Leslie Hooper, Clifford Donnelly Howard, Michael Anselm Hunt, Vernon Willan Jackson, William Lewis Joberns, Leslie Weaver Jones, Kurt Krakenberger, Arthur John Gow Logan, Derek Lewé Loynston-Pickard, William Henry Marriott, Harry Neil Marten, Walter de Garis Martin, Peter Servington Maynard, Harold Ernest Miles, Conroy Rodney Mitchell, Thomas Arnold Mower, Dennis Alan Neale, Norman Wilson Neville, David Shirley Parker, Derrick Ernest Lane Parsons, James Wylie Patterson, George Payne, Peter Arthur George Drake Pridham, Gerhart Hans Leopold Rebenwurzel, Denis Owen Robinson, Thomas Gerald Lulman Saint, Montague Edwin Sisley, Eric John Wills Smith, Ewart Rex Spooner, Dennis George Harvey Stapleton, Bastian Maitland Thompson, Ronald Christopher Tinne, Pamela Betty Topham, Colin Boaler Walton, Eric Leonard Webb, Herbert Raymond Welch, John Kenneth Williams.

Number of Candidates, 161. Passed, 66.

The Manchester Law Society.

The ninety-fifth annual meeting of the Society was held at the Law Library, Kennedy-street, on 24th July, Mr. K. T. S. Dockray, the retiring President, being in the chair.

The report of the council presented at the meeting showed that the present membership was 406, the highest figure since the war. There had been thirteen meetings of the council and thirty-four meetings of committees during the year, and consideration had been given to a large number of subjects. Reference was made to the recent death of Mr. Alfred Tarbolton, who had served continuously on the council for thirty-two years, during which he had held the offices of President, Vice-President, Hon. Secretary and Convener of the Finance Committee. He had edited the "Opinions of the Council" in 1913, and in 1924, on the last occasion when the Provincial Meeting of The Law Society was held in Manchester, had written a short history of the Society since its inception in 1838. Regret was also expressed at the resignation owing to ill-health of Mr. J. W. Robson, Mr. Dockray's predecessor in the office of President, who had given valuable service on the council for twelve years.

An appeal was again made in the report for new subscribers to the Solicitors' Benevolent Association, of which a local committee appointed by the council was conducting a canvass of non-subscribers in the district. In view of the approaching expiration of the period of ten years from the commencement of the Land Registration Act, 1925, the council was considering the question whether any action by the Society was necessary or expedient at the present time. The views of the council on the many proposals contained in the second interim report of the Business of the Courts Committee were set out, disagreement in particular being expressed with the suggestions that puisne judges should sit in the Court of Appeal, that divorce work should go to the King's Bench Division, and that the Admiralty Court should also be merged in the same division.

In connection with the County Courts Amendment Act, the council, after consultation with the county court judges of Liverpool, Manchester and Salford, and with the Liverpool Law Society, forwarded to the Lord Chancellor a letter suggesting, *inter alia*, that s. 74 of the County Courts Act, 1888, should be amended so as to provide that where goods are hired or sold at the defendant's residence or place of business and payment is to be made by instalments, it should be obligatory for the plaintiff to bring his action in the county court within whose district the defendant resides or carries on business. A reply was received saying that s. 74 of the County Courts Act, 1888, would be repealed and the rule making power extended so as to cover its subject-matter. The proposals in the Society's letter could therefore be carried out by rule after the Bill had passed.

Reference was also contained in the report to new rules of the Salford Hundred Court of Record, shortly to be published, in the drafting of which effect had been given to a large number of suggestions contained in a memorandum prepared by the council and circulated to members of the Rule Committee, on which Mr. Skelton, the Convener of the Judicature Committee of the council, had served.

The Society had moved a resolution adopted by the Associated Provincial Law Societies on 6th July calling attention to the widespread dissatisfaction and inconvenience caused by delay in the disposal of business in the office of the Master in Lunacy, and it was understood that an enquiry into this matter would shortly be instituted.

Other subjects referred to in the report were the Rules under the Solicitors Act, 1933, hospitals and accident cases, clearance orders under the Housing Act, 1930, training of articled clerks and the costs of a successful plaintiff under the Poor Persons Procedure.

The President, in his address, after referring to the loss the Society had sustained in the death of Mr. Tarbolton and to the hope that Mr. Robson would find himself able to return to the Council when his health had recovered, said that in his opinion, formed after eight years' experience of the work under the Poor Persons Rules, the county court should deal with undefended matrimonial cases where the parties had not the means to proceed in the High Court. The cases were short and simple and nearly all successful. They seemed to him to be just the sort of cases which should be tried in the county court. It would make it easier for those who were just outside the Rules to present their petitions, and it would be the first step towards extending the Poor Persons Rules to the county court. That court was supposed to be the poor man's court, and it seemed strange that the Poor Persons Rules should not apply in it. He appealed for more solicitors for the poor persons rota and referred to the likelihood of the Rules being altered so as to make it unnecessary for the judge to find special circumstances to enable profit costs to be recovered by successful poor persons.

After referring to the provisions of the Solicitors (Companies) Bill and the Law Reform (Miscellaneous Provisions) Bill, the President said that he thought the time was ripe for further consideration of the question of securing for the Society its own premises and for the assumption by the Society of a direct responsibility for the work of the Poor Man's Lawyer Association. The Association had justified itself by the work it had done during the past forty years, but had sometimes suffered from a lack of organisation which the Society could supply.

In conclusion, he thanked the Society for the honour they had done him in electing him as President and the members of the Council for their constant support during his year of office.

The following officers were elected for the ensuing year—President: Mr. J. W. B. Hodgson; Vice-President: Mr. Willis Paterson; Hon. Treasurer: Mr. W. E. M. Mainprice; Hon. Secretary: Mr. A. H. Goulty.

The meeting terminated with a hearty vote of thanks to the retiring President for his address and his services during the past year and a resolution congratulating him on his recently announced appointment as Registrar of the Manchester County Court as from 1st October next.

COSTS ON THE HIGHER SCALE.

We are indebted to a subscriber for a sight of the transcript of the judgment in the recent case of *Hughes* v. *Union Cold Storage*, from which it appears that the defendants were awarded the costs of the action on the higher scale. It is very unusual for the higher scale of costs to be awarded, and at a later date we propose dealing with the point in our series of articles under the heading of "Costs." It is clear from the observations made in the above case, and also in a recent case that was before the court, that the application of the higher scale is not always clearly understood.

Rules and Orders.

ORDER IN COUNCIL.

AT THE COURT AT BUCKINGHAM PALACE,
The 29th day of June, 1934.
Present,
THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

Whereas by an Order in Council, bearing date the 14th day of May, 1934, it was ordered that the Michaelmas Sittings of the Court of Appeal and of the High Court of Justice should in the year 1934 commence on the 2nd day of October, and the Long Vacation of the several Courts and Offices of the Supreme Court should for all purposes terminate on the 1st day of October in the same year:

And whereas it is expedient that consequential alterations should be made in the dates for the holding of certain Assizes:

And whereas the provisions of the Rules Publication Act, 1893, have been complied with:

Now, therefore, His Majesty, by and with the advice of His Privy Council, is pleased to order, and it is hereby ordered, as follows:—

1. The Schedules to the Order in Council dated the 14th day of May, 1912, so far as they relate to the Commission days on the Midland, Oxford, Western, and Northern Circuits, shall, with regard to the Autumn Assizes for the year 1934 only, be suspended, and the Schedule to this Order shall *pro tanto* be substituted therefor.

2. This Order shall not affect the existing powers of altering Commission days.

3. This Order may be cited as the Autumn Circuit (1934) Order, 1934.

M. P. A. Hankey.

SCHEDULE.

	Midland Circuit	Oxford Circuit	Western Circuit	Northern Circuit
Tuesday Oct. 2	—	Reading	—	—
Wednesday ,, 3	Aylesbury	—	Salisbury	Carlisle (Civil and Criminal)
Saturday ,, 6	Bedford	Oxford	—	—
Monday ,, 8	—	—	Dorchester	Lancaster
Wednesday ,, 10	Northampton	—	—	—
Thursday ,, 11	—	Worcester	—	—
Friday ,, 12	—	—	Wells	Liverpool (2) (Civil and Criminal)
Monday ,, 15	Leicester (Civil and Criminal)	—	—	—
Tuesday ,, 16	—	Gloucester (Civil and Criminal)	—	—
Wednesday ,, 17	—	—	Bodmin	—
Saturday ,, 20	—	Monmouth	—	—
Tuesday ,, 23	Lincoln	—	Exeter (Civil and Criminal)	—
Wednesday ,, 24	—	Hereford	—	—
Saturday ,, 27	—	Shrewsbury (Civil and Criminal)	—	—
Monday ,, 29	Nottingham (Civil and Criminal)	—	—	—
Wednesday ,, 31	—	Stafford	Bristol (2) (Civil and Criminal)	—
Monday Nov. 5	Derby	—	—	—
Wednesday ,, 7	—	—	Winchester (Civil and Criminal)	—
Friday ,, 9	—	—	—	Manchester (2) (Civil and Criminal)
Thursday ,, 29	Warwick	—	—	—
Monday Dec. 3	Birmingham (2) (Civil and Criminal)		—	—

THE LOCAL GOVERNMENT (CONFERENCES) REGULATIONS, 1934, DATED JULY 5, 1934, MADE BY THE MINISTER OF HEALTH UNDER SECTION 267 OF THE LOCAL GOVERNMENT ACT, 1933 (23 & 24 GEO. 5. c. 51).

79,107.

The Minister of Health in pursuance of the powers conferred on him by section 267 of the Local Government Act, 1933 hereby makes the following regulations.

1. These regulations may be cited as the Local Government (Conferences) Regulations, 1934, and shall come into operation on the date hereof.

2. The power conferred by section 267 of the Local Government Act, 1933 on local authorities other than parish councils to pay any reasonable expenses incurred by members or officers of the authority or of any committee thereof in attending a conference or meeting convened by one or more local authorities or by any association of local authorities shall extend to the following conferences or meetings:—

(i) the annual conferences of the Association of Municipal Corporations, the Urban District Councils' Association, and the Rural District Councils' Association, the periodical meeting of the Public Assistance Conference, and any meeting of the council or any committee of any of the said Associations or the Public Assistance Conference; and

(ii) any other conference or meeting convened as aforesaid to discuss any matter connected with the discharge of their functions.

3. The said power shall be exercised subject to the following conditions:—

(i) the expenses of a member or officer shall not be paid by the local authority unless his attendance at such meeting or conference is authorized by them;

(ii) the local authority shall not pay the expenses of more than three members in respect of their attendance at a conference or meeting referred to in article 2 (1) of these regulations; and

(iii) the local authority shall not pay the expenses of more than two members in respect of their attendance at a conference or meeting referred to in article 2 (ii) of these regulations.

4. A local authority other than a parish council may in any case in which they consider it desirable to do so incur any reasonable expense in purchasing reports of the proceedings of any conference or meeting the expenses of attending which may be defrayed under these regulations.

Given under the official seal of the Minister of Health this fifth day of July nineteen hundred and thirty-four.

(L.S.) *E. H. Rhodes,*
Assistant Secretary,
Ministry of Health.

THE LONDON COUNTY COUNCIL ASSISTED HOUSING SCHEME (LOSSES BY METROPOLITAN BOROUGH COUNCILS) AMENDMENT REGULATIONS, 1934, DATED JUNE 27, 1934, MADE BY THE MINISTER OF HEALTH. (S.R. & O., 1934, No. 724. Price 1d.)

THE LOCAL AUTHORITIES (ASSISTED HOUSING SCHEMES) AMENDMENT REGULATIONS, 1934, DATED JUNE 27, 1934, MADE BY THE MINISTER OF HEALTH. (S.R. & O., 1934, No. 723. Price 1d.)

Legal Notes and News.

Honours and Appointments.

Mr. W. G. NORMAND, K.C., M.P., Lord Advocate for Scotland, has been elected an Honorary Master of the Bench of the Middle Temple.

Mr. GORDON H. TAYLOR, Clerk to the Ruislip-Northwood Urban Council, has been appointed Clerk to Southgate Borough Council. Mr. Taylor was admitted a solicitor in 1926.

Mr. R. CECIL DALTON, solicitor, Stamford, has been appointed Clerk of the Peace for Stamford in succession to his father, Mr. James Dalton. Mr. R. C. Dalton was admitted a solicitor in 1914.

Court Papers.

Supreme Court of Judicature.

ROTA OF REGISTRARS IN ATTENDANCE ON

Date.		Emergency Rota.	Appeal Court No. I.	Group I. Mr. Justice Eve. Witness. Part II.	Group I. Mr. Justice Bennett. Non-Witness.
		Mr.	Mr.	Mr.	Mr.
July	30	Hicks Beach	Ritchie	Ritchie	More
,,	31	Andrews	Blaker	*Andrews	Ritchie
		Group I. Mr. Justice Crossman. Witness. Part I.	Mr. Justice Clauson. Witness. Part I.	Group II. Mr. Justice Luxmoore. Non-Witness.	Mr. Justice Farwell. Witness. Part II.
		Mr.	Mr.	Mr.	Mr.
July	30	*Andrews	*Blaker	Jones	*Hicks Beach
,,	31	*More	*Jones	Hicks Beach	Blaker

*The Registrar will be in Chambers on these days, and also on the days when the Court is not sitting.

The Long Vacation will commence on Wednesday the 1st day of August, 1934, and terminate on Monday the 1st day of October, 1934, inclusive.

Long Vacation, 1934.

HIGH COURT OF JUSTICE.

NOTICE.

During the Vacation, up to and including Friday, 31st August, all applications "which may require to be immediately or promptly heard," are to be made to the Hon. Mr. Justice CROSSMAN.

COURT BUSINESS.—The Hon. Mr. Justice CROSSMAN will, until further notice, sit in The Lord Chancellor's Court, Royal Courts of Justice, at half-past 10 on Wednesdays, commencing on Wednesday, 8th August, for the purpose of hearing such applications of the above nature, as, according to the practice in the Chancery Division, are usually heard in Court.

PAPERS FOR USE IN COURT.—CHANCERY DIVISION.—The following Papers for the Vacation Judge are required to be left with the Cause Clerk in attendance at the Chancery Registrar's Office, Room 136, Royal Courts of Justice, on or before 1 o'clock, two days previous to the day on which the application to the Judge is intended to be made :—

1.—Counsel's certificate of urgency or note of special leave granted by the Judge.

2.—Two copies of notice of motion, one bearing a 5s. impressed stamp.

3.—Two copies of writ and two copies of pleadings (if any).

4.—Office copy affidavits in support, and also affidavits in answer (if any).

No Case will be placed in the Judge's Paper unless leave has been previously obtained or a Certificate of Counsel that the case requires to be immediately or promptly heard, and stating concisely the reasons, is left with the papers.

N.B.—Solicitors are requested when the application has been disposed of, to apply at once to the Judge's Clerk in Court for the return of their papers.

URGENT MATTERS WHEN THE JUDGE IS NOT PRESENT IN COURT OR CHAMBERS.—Application may be made *in any case of urgency*, to the Judge personally (if necessary), or by post or rail, prepaid, accompanied by the brief of Counsel, office copies of the affidavits in support of the application, and also by a Minute, on a separate sheet of paper, signed by Counsel, of the order he may consider the applicant entitled to, and also an envelope, sufficiently stamped, capable of receiving the papers, addressed as follows:—"Chancery Official Letter: To the Registrar in Vacation, Chancery Registrar's Office, Royal Courts of Justice, London, W.C.2."

The address of the Vacation Judge can be obtained on application at Room 136, Royal Courts of Justice.

CHANCERY CHAMBER BUSINESS.—The Chancery Chambers will be open for Vacation business on Tuesday, Wednesday, Thursday and Friday in each week, from 10 to 2 o'clock.

KING'S BENCH CHAMBER BUSINESS.—The Hon. Mr. Justice CROSSMAN will sit for the disposal of King's Bench Business in Judges' Chambers at half-past 10 on Tuesday in each week.

PROBATE AND DIVORCE.—Summonses will be heard by the Registrar, at the Principal Probate Registry, Somerset House, every day during the Vacation at 11.15 (Saturdays excepted).

Motions will be heard by the Registrar on Wednesdays, the 8th and 22nd August, and the 5th and 19th September, at the Principal Probate Registry at 12.15.

Decrees will be made absolute on each Wednesday during the Vacation, except Wednesday the 1st August.

All Papers for making Decrees absolute are to be left at the Contentious Department, Somerset House, on the preceding Thursday, or before 2 o'clock on the preceding Friday. Papers for Motions may be lodged at any time before 2 o'clock on the preceding Friday.

The Offices of the Probate and Divorce Registries will be opened at 10 a.m. and closed at 4 p.m. except on Saturdays, when the Offices will be opened at 10 a.m. and closed at 1 p.m.

Royal Courts of Justice.
Room 136.

REVENUE PAPER.

The hearing of the Revenue Paper will not be resumed during the present sittings, owing to the indisposition of Mr. Justice Finlay.

BOROUGH OF WALSALL.

The next General Quarter Sessions of the Peace for the Borough of Walsall will be held at the Guildhall, Walsall, on Thursday, the 2nd day of August, 1934, at 10 o'clock in the forenoon.

Stock Exchange Prices of certain Trustee Securities.

Bank Rate (30th June, 1932) 2%. Next London Stock Exchange Settlement, Thursday, 16th August, 1934.

	Div. Months.	Middle Price 25 July 1934.	Flat Interest Yield.			†Approximate Yield with redemption		
			£	s.	d.	£	s.	d.
ENGLISH GOVERNMENT SECURITIES								
Consols 4% 1957 or after	FA	112¼	3	11	3	3	4	9
Consols 2½%	JAJO	80½	3	2	1	—		
War Loan 3½% 1952 or after	JD	104½	3	7	0	3	3	5
Funding 4% Loan 1960-90	MN	115½	3	9	5	3	2	8
Victory 4% Loan Av. life 29 years	MS	113⅜	3	10	7	3	5	8
Conversion 5% Loan 1944-64	MN	119	4	4	0	2	14	0
Conversion 4½% Loan 1940-44	JJ	111	4	1	1	2	10	0
Conversion 3½% Loan 1961 or after	AO	105¼	3	6	6	3	4	2
Conversion 3% Loan 1948-53	MS	102¼	2	18	8	2	16	0
Conversion 2½% Loan 1944-49	AO	97	2	11	7	2	15	0
Local Loans 3% Stock 1912 or after	JAJO	93	3	4	6	—		
Bank Stock	AO	368½	3	5	2	—		
Guaranteed 2¾% Stock (Irish Land Act) 1933 or after	JJ	84½	3	5	1	—		
Guaranteed 3% Stock (Irish Land Acts) 1939 or after	JJ	91½	3	5	7	—		
India 4½% 1950-55	MN	112⅛	4	0	0	3	9	5
India 3½% 1931 or after	JAJO	93	3	15	3	—		
India 3% 1948 or after	JAJO	80½	3	14	6	—		
Sudan 4½% 1939-73 Av. life 27 years	FA	116	3	17	7	3	11	4
Sudan 4% 1974 Red. in part after 1950	MN	110	3	12	9	3	3	10
Tanganyika 4% Guaranteed 1951-71	FA	110	3	12	9	3	4	6
Transvaal Government 3% Guaranteed 1923-53 Average life 12 years	MN	102	2	18	10	2	16	0
L.P.T.B.4½% "T.F.A." Stock 1942-72	JJ	109	4	2	7	3	2	7
COLONIAL SECURITIES								
Australia (Commonw'th) 4% 1955-70	JJ	106	3	15	6	3	13	11
*Australia (C'mm'nw'th) 3¼% 1948-53	JD	100	3	15	0	3	15	0
Canada 4% 1953-58	MS	108	3	14	1	3	8	4
Natal 3% 1929-49	JJ	98	3	1	3	3	3	5
New South Wales 3½% 1930-50	JJ	97½	3	11	10	3	14	2
New Zealand 3% 1945	AO	98	3	1	3	3	4	5
Nigeria 4% 1963	AO	109	3	13	5	3	10	0
Queensland 3½% 1950-70	JJ	98	3	11	5	3	12	0
South Africa 3½% 1953-73	JD	103	3	8	0	3	5	9
Victoria 3½% 1929-49	AO	99	3	10	8	3	11	10
W. Australia 3½% 1935-55	AO	98	3	11	5	3	12	8
CORPORATION STOCKS								
Birmingham 3% 1947 or after	JJ	91	3	5	11	—		
Croydon 3% 1940-60	AO	98	3	1	3	3	2	3
Essex County 3½% 1952-72	JD	104	3	7	4	3	4	1
*Hull 3½% 1925-55	FA	100	3	10	0	3	10	0
Leeds 3% 1927 or after	JJ	91	3	5	11	—		
Liverpool 3½% Redeemable by agreement with holders or by purchase	JAJO	102	3	8	8	—		
London County 2½% Consolidated Stock after 1920 at option of Corp.	MJSD	78½	3	3	8	—		
London County 3% Consolidated Stock after 1920 at option of Corp.	MJSD	92	3	5	3	—		
Manchester 3% 1941 or after	FA	90	3	6	8	—		
Metropolitan Consd. 2½% 1920-49	MJSD	96	2	12	1	2	16	8
Metropolitan Water Board 3% "A" 1963-2003	AO	92	3	5	3	3	5	11
Do. do. 3% "B" 1934-2003	MS	93½	3	4	2	3	4	9
Do. do. 3% "E" 1953-73	JJ	98	3	1	3	3	1	10
Middlesex County Council 4% 1952-72	MN	110	3	12	9	3	5	2
‡ Do. do. 4½% 1950-70	MN	115	3	18	3	3	5	7
Nottingham 3% Irredeemable	MN	91	3	5	11	—		
Sheffield Corp. 3½% 1968	JJ	103	3	8	0	3	7	0
ENGLISH RAILWAY DEBENTURE AND PREFERENCE STOCKS								
Gt. Western Rly. 4% Debenture	JJ	106¼	3	15	1	—		
Gt. Western Rly. 4½% Debenture	JJ	116½	3	17	3	—		
Gt. Western Rly. 5% Debenture	JJ	126½	3	19	1	—		
Gt. Western Rly. 5% Rent Charge	FA	125½	3	19	8	—		
Gt. Western Rly. 5% Cons. Guaranteed	MA	123½	4	1	0	—		
Gt. Western Rly. 5% Preference	MA	113½	4	8	1	—		
Southern Rly. 4% Debenture	JJ	105	3	16	2	—		
Southern Rly. 4% Red. Deb. 1962-67	JJ	107½	3	14	5	3	11	5
Southern Rly. 5% Guaranteed	MA	124½	4	0	4	—		
Southern Rly. 5% Preference	MA	113	4	8	6	—		

*Not available to Trustees over par. ‡Not available to Trustees over 115.
†In the case of Stocks at a premium, the yield with redemption has been calculated as at the earliest date; in the case of other Stocks, as at the latest date.